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1 BEFORE THE
2 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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IN RE: U.S EPA OBJECTIONS TO
THE NPDES PERMIT OF
UNITED STATES STEEL CORPORATION

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TRANSCRIPT OF PROCEEDINGS

9 The transcript of proceedings as held in public
10 hearing before the United States Environmental Protection
11 Agency, on Tuesday, December 11, 2007, commencing at 2:30
12 p.m. CST and 6:00 p.m. respectfully, at Indiana University
13 Northwest, Auditorium, Gary, Indiana, and as reported by
14 MICHELLE A. WHITAKER, RPR, Associate Reporter.

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PANEL PRESENT:

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MARY GADE

Regional Administrator

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Peter Swenson

Tinka Hyde

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Dave Cowgill

Rett Nelson

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Ralph Dollhopf

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ALSO PRESENT:

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Members of the General Public

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1 Tuesday, December 11, 2007 --

2 (All parties present at or about 2:30 p.m.)

3 MS. GADE: All right. Good afternoon. And

4 I'd like to welcome you to this public hearing.

5 That is, a hearing on the United States

6 Environmental Protection Agency's objection to

7 address State of Indiana's wastewater discharge

8 permit for U.S. Steel's Gary Works.

9 My name is Mary Gade. I'm the regional
10 administrator for the United States Environmental
11 Protection Agency's Midwest office located in
12 Chicago, and I will be presiding over this public
13 hearing.

14 I'm joined today by a panel of senior agency
15 officials. I have Peter Swenson and Tinka Hyde,
16 with our Office of Water; I have Dave Cowgill with
17 our Great Lakes National Program office; Rett
18 Nelson, with our Office of Regional Counsel; and
19 Ralph Dollhopf, with our Office of Superfund.
20 Thank you.

21 And I'm also being joined by Denise
22 Gawlinski, who's with our Office of Public Affairs
23 who will be assisting me in terms of making sure
24 that everyone has an opportunity to speak.

25 Well, we're very, very pleased -- I'm very

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1 pleased by this turnout on this very rainy and
2 inclement day. So, thank you very much for taking
3 the time and having the commitment to come to this
4 public hearing.

5 We're very excited about the opportunity to
6 listen to your comments on EPA's objections to the
7 draft permit. As you probably know, we shared our
8 objections in two letters to the State of Indiana
9 that were sent out in October. And for those of
10 you who would like copies of those letters, they
11 are outside, on the table outside this room.

12 We also want to hear today comments that go
13 beyond the objections that we raised about the
14 draft permit and any of your other concerns about
15 the permit for the U.S. Steel facility.

16 We're gonna be accepting comments through
17 December 28th, so you have an opportunity today to
18 either hand in comments in writing, to speak to us
19 today, or to submit something after the fact.

20 Members of my staff who are throughout the
21 building and at the table outside can tell you the
22 various ways you can do that: Electronically, in
23 writing, by fax, or whatever.

24 We're holding this hearing today in
25 accordance with regulations that have been

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1 promulgated under the Clean Water Act. As such,
2 today's hearing is going to be recorded and
3 transcribed. The point of this hearing, frankly,
4 is designed to allow you to make comments for us
5 to consider. We're here to listen.

6 And so as a consequence of that and in the

7 interest of time, we're gonna do very little in
8 terms of responding to your questions and comments
9 today. We will do that later. But we want to
10 make sure that we have an opportunity to hear you
11 and that you can get your comments before us.

12 We intend to review any comments we receive
13 during this public process after December 28th.
14 And I've been asked how long that will take. It
15 will depend really on the nature and the volume of
16 the comments. We will try to do it as
17 expeditiously as possible, but we want to be
18 thoughtful and we want to be responsive.

19 When we've completed our review, we'll put
20 something out called a "responsiveness summary"
21 that takes each of the comments made throughout
22 the public participation process, responds to it,
23 and we'll have that on our website so it's
24 available to everyone.

25 At the same time, we'll be directing a letter
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1 to the Indiana Department of Environmental
2 Management that talks about whether, based on the
3 public participation and the comments we've
4 received, we intend to modify the permit -- modify
5 the objections to the permit, withdraw the
6 objections, or add new objections or comments.

7 Once we do so, Indiana will have 30 days to
8 send us a revised permit that addresses these
9 objections. If they do not submit such a revised
10 permit, then we, the United States Environmental
11 Protection Agency, will be responsible for issuing
12 the permit.

13 With that, I'd like to give you some of the
14 ground rules for today's hearing.

15 As I said, we really want to make sure that
16 anyone who wants to speak has an opportunity to do
17 so. If you wish to speak and have not yet signed
18 up, please step outside to the table, and you'll
19 be assigned -- you can sign up and you can receive
20 a number so that we'll be taking people in the
21 order in which they have signed up.

22 We're gonna start today with a brief
23 statement by the State of Indiana. Then we're
24 gonna turn to elected officials and
25 representatives of organizations, largely

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1 environmental organizations, that requested that
2 this public hearing take place.

3 Then we're gonna call on you to speak in the
4 order in which you signed up. And we're asking,
5 just due to the fact that we expect that a lot of
6 people will want to talk today, that you limit
7 your comments to two minutes.

8 We have EP staffers near each of the
9 microphones to give you a sense that your two
10 minutes are almost up. We intend to break today
11 at five o'clock, take an hour for the dinner hour,
12 and then reconvene at six o'clock, for the hearing
13 to end at 8:30 this evening.

14 And that's the ground rules for today. But
15 before we began -- before we begin, I'd like to
16 give you a little bit of a background about U.S.
17 Steel Gary Works, the Clean Water Act, and EPA's
18 objections to the permit.

19 As many of you know, Gary Works is the
20 largest fully integrated steel mill in North
21 America. It produces more than eight million tons
22 of raw steel a year. It also produces iron, coke,
23 and sinter.

24 And to make these products, U.S. Steel
25 withdraws about 600 million gallons of water from

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1 Lake Michigan each and every day. It discharges
2 back stormwater and about 525 million gallons a
3 day wastewater and cooling water to the Grand
4 Calumet River, Stockton Pond, and Lake Michigan.

5 The Clean Water Act -- Federal Clean Water
6 Act requires facilities that discharge wastewater
7 must get a permit from the state. The name for
8 these permits is the National Pollution Discharge
9 Elimination System, or NPDES permits.

10 Congress wrote the Clean Water Act
11 envisioning that states would be the primary
12 people to write these permits and issue them.
13 Since 1975, Indiana has had that authorization to
14 run the wastewater permit program or the NPDES
15 program -- permit program for the State of
16 Indiana. As a result, IDEM is responsible for
17 issuing all NPDES permits in the State of Indiana.

18 Now, under the law, EPA can object to state
19 permits when we believe that they don't meet the
20 requirements of the Clean Water Act. And the law
21 requires the state cannot issue a permit to which
22 we have objected until it fixes and corrects the
23 issues that we raised in those objections.

24 IDEM accepted comments on their draft permit
25 for the Gary Works from July through September and

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1 held public hearings in August and September. EPA
2 then reviewed the draft permit and told IDEM that
3 we objected to it for five reasons. Let me
4 quickly go through them.

5 First, the draft permit allows from one to
6 five years for U.S. Steel to comply with the
7 various permit requirements. We believe that the
8 state has not yet shown that these schedules are
9 appropriate.

10 In addition, under the law, if you have a
11 compliance schedule to meet at the effluent
12 limitation, you must come into compliance as soon
13 as possible. We believe that this permit has not
14 yet documented that these compliance schedules do
15 that.

16 Second, the draft permit does not contain
17 limits for some pollutants that could violate
18 state water quality standards.

19 Third, the permit allows U.S. Steel to
20 increase its discharges of certain pollutants and

21 establishes new limitations for others. And we
22 contend that the draft permit has not demonstrated
23 why these increases are appropriate under the
24 state's antidegradation requirements. Generally,
25 antidegradation requirements prevent increased

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1 discharge of pollutants unless it's necessary for
2 important economic or social development reasons.

3 Fourth, the permit does not impose limits on
4 U.S. Steel's cooling water intake structures that
5 minimize adverse impacts on the environment.

6 Finally, IDEM needs to correct discrepancies
7 between the draft permit and something called the
8 permit fact sheet, which is outlined
9 technology-based wastewater discharge limits for
10 the permit.

11 At this point, I understand that I think some
12 17 people have signed up to speak. Based on that
13 number, again I think we're gonna try to limit you
14 to two minutes per person to make sure, as more
15 people want to speak, that we have enough time to
16 fit everyone in.

17 I also want to ask that those of you who have
18 written comments or a copy of your remarks, that
19 you hand these, then, to either Denise at the
20 front of the room or at the table outside the
21 room.

22 And finally, on behalf of Region 5 of EPA, I
23 want to thank you all very much for coming. This
24 is an important public hearing. This permit is
25 important for the well-being of this community and

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1 for the health of Lake Michigan, and we're looking
2 forward to having your comments today.

3 The first speaker I'd like to introduce is
4 from the Indiana Department of Environmental
5 Management. Is their deputy commissioner --
6 excuse me -- their assistant commissioner for
7 their Office of Water, Bruno Pigott.

8 Bruno.

9 MR. PIGOTT: Thank you, Administrator Gade,
10 for -- and the U.S. EPA for hosting this hearing
11 about the objection letters the EPA sent to the
12 Indiana Department of Environmental Management
13 about the draft United States Steel NPDES permit.

14 My name is Bruno Pigott, and I am the
15 assistant commissioner in the Office of Water
16 Quality at IDEM. NPDES permits like these are my
17 responsibility at our agency. I very much
18 appreciate the opportunity to make brief remarks.

19 IDEM welcomes the comments provided by U.S.
20 EPA on the draft permit and agrees to fully
21 address those issues before the permit is issued.

22 EPA's comments are a normal part of the
23 process of writing an environmentally protected
24 permit. We have met twice with members of the
25 U.S. EPA staff to discuss and address the concerns

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1 raised in your letters. We will not issue a

2 permit until all of the issues raised are
3 addressed to EPA's satisfaction.
4 As you are aware, we had worked hard during
5 the Daniels administration to eliminate the large
6 backlog of expired NPDES permits. In 2005, there
7 were 263 long-expired permits. Today, there are
8 only 11 of those backlogged permits left to issue,
9 and we're working diligently to issue those
10 permits.
11 We also to -- continue to remain current in
12 processing additional NPDES permits each year.
13 These new permits meet current federal and state
14 standards and are more protective of the
15 environment.
16 We look forward to further meetings with you
17 and your staff and are sure that these discussions
18 will result in a sound, environmentally protective
19 permit.
20 Thank you.
21 MS. GADE: Thank you, Bruno. Thank you.
22 I'm now gonna turn to representatives or
23 elected officials who have asked to speak. I'm
24 gonna call on first Chuck Hughes who's
25 representing the Gary City Council and the Gary
0013 Chamber of Commerce.
1 Chuck.
2 MR. HUGHES: Thank you very much.
3 And good afternoon to all of you. Thanks for
4 this opportunity. I was very encouraged by the
5 comments of the official from the EPA.
6 I guess my comments are this: The fact that
7 U.S. Steel as we now is one of the largest
8 companies in Northwest Indiana, with its flagship
9 operation right here in Gary, Indiana. And I
10 really wanted to speak to the fact that this
11 community really wants to work with that industry
12 in order to have it to maintain what it has done
13 for us.
14 We have been a community of generations
15 dependent upon U.S. Steel, almost virtually
16 totally dependent upon U.S. Steel. And even today
17 we have a very deep reliance upon that company.
18 Now, in terms of their compliance, the comments
19 that I just heard, I think it's a very encouraging
20 sign to know that this process is now debated,
21 it's not completed, and that all parties are
22 interested in conforming to the rules.
23 By the same token, there are individuals here
24 and in my community who still depend on U.S. Steel
0014 for their very livelihood for them and their
1 families.
2 And I'm just suggesting that the City of Gary
3 or myself as an individual and Gary Chamber of
4 Commerce would appreciate favorable consideration
5 in this permit process, because we do clearly
6 feel, that when it's ultimately all said and done,
7 all parties will be satisfied.
8

9 Thank you so much.
10 MS. GADE: Thank you.
11 Next I'd like to call Stephen Sylvester to
12 the mike. He is representing the Illinois
13 Attorney General, Lisa Madigan.
14 MR. SYLVESTER: Good afternoon. My name is
15 Stephen Sylvester. That's S-t-e-p-h-e-n,
16 Sylvester, S-y-l-v-e-s-t-e-r. And I am testifying
17 on behalf of the people of the State of Illinois
18 and by and through Illinois Attorney General Lisa
19 Madigan.
20 I would like to thank U.S. EPA Region 5
21 administrator Mary Gade for making possible the
22 public hearing and for the opportunity to offer
23 our comments on U.S. EPA's objections to the draft
24 NPDES permit for U.S. Steel's Gary Works facility,
25 which was issued by IDEM on July 2nd, 2007.
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1 We would also like to commend the U.S. EPA
2 for its recognition of the significant
3 deficiencies in the U.S. Steel draft permit and
4 for raising its objections to the issuance of the
5 draft permit as articulated in its October 1st and
6 16th letters.
7 The people of the State of Illinois have a
8 compelling interest in the discharge of
9 inadequately treated processed wastewater into the
10 Grand Calumet River, an interstate body of water
11 that flows into Illinois from Indiana. The Grand
12 Calumet River is also tributary to Lake Michigan,
13 a navigable water of the United States and an
14 outstanding state resource water, as designated by
15 Indiana law.
16 The people of the State of Illinois also have
17 a compelling interest in the discharge of
18 wastewater directly or indirectly into Lake
19 Michigan, a resource that both Illinois and
20 Indiana share.
21 To begin with, we object to the compliance
22 schedules provided by IDEM allowing U.S. Steel up
23 to five years to meet the Great Lakes System water
24 quality standards which were enacted over ten
25 years ago. First, federal rules expressly state
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1 that all new and reissued NPDES permits require
2 immediate compliance with current effluent
3 limitations, which is clearly not the case with
4 the draft permit at issue here.
5 Second, U.S. Steel has not demonstrated the
6 reasonableness of delaying its compliance, as
7 required by the NPDES rules.
8 Third, by requesting a five-year compliance
9 schedule for a five-year permit, U.S. Steel is in
10 effect requesting a de facto variance from the
11 effluent limits for the relevant pollutants,
12 including mercury.
13 There's no rational or reasonable
14 justification for the extended compliance schedule
15 in the draft permit, because U.S. Steel has been

16 operating on the same expired permit issued since
17 -- issued in September of 1994, over 13 years ago.
18 This is an untenable and unexpect- -- and
19 unacceptable time schedule.

20 In sum, the Illinois Attorney General, Lisa
21 Madigan, on behalf of the People of the State of
22 Illinois, object to the compliance schedules in
23 the draft permit, and it also concurs in the U.S.
24 EPA's objections which were set forth in its
25 October 1st and 16th letters regarding the draft

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1 NPDES permit for U.S. Steel Gary Works.

2 The NPDES permit should not be issued until
3 the deficiencies identified have been fully
4 remedied and a new draft permit is made available
5 for public review and comment.

6 Further, we recommend that U.S. Steel
7 immediately initiate the engineering design and
8 project specifications for the construction and
9 implementation of the facilities that would enable
10 it to comply with the NPDES permit requirements.

11 Thank you.

12 MS. GADE: Next I'd like to ask Maggie Rice,
13 representing the City of Chicago.

14 MS. RICE: Good afternoon. Again, that's
15 Maggie Rice, R-i-c-e, and I am deputy commissioner
16 of the City of Chicago Department of Environment.
17 On behalf of the department, I want to thank the
18 administrator for convening these hearings and for
19 giving the city an opportunity to comment.

20 Lake Michigan and its tributaries are this
21 region's greatest natural asset. The Great Lakes
22 support the health and economies of millions of
23 residents and thousands of communities across the
24 United States and Canada. And they have always
25 been the driver of industrial development in

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1 Northern Illinois and Northwest Indiana.

2 Under Mayor Daley's leadership, the City of
3 Chicago has made improving the quality of the
4 Great Lakes a top priority. Chicago is staunchly
5 committed to protecting its water resources.
6 Chicago agrees with the objections raised in the
7 U.S. EPA's October 1st and October 16th letters.
8 We also agree with the statement made today by the
9 Illinois Attorney General's office.

10 In addition, we have submitted our own
11 comments to IDEM on the draft permit. I am here
12 today, though, to emphasize one of the points made
13 in our comments, and that is that the City of
14 Chicago has serious concerns about the compliance
15 schedule set forth in the draft permit.

16 The law requires the draft permit to contain
17 certain appropriate water-quality-based and
18 technology-based effluent limits. United States
19 Steel has already had eight years to come into
20 compliance with some of these standards, and the
21 draft permit would allow the company an additional
22 five years to comply at certain outfalls for

23 certain limitations.
24 In many cases, the draft permit imposes no or
25 only minimal interim limitations. The pollutants
0019 included include mercury, benzoapyrene, ammonia,
1 free cyanide, and others known to cause or pose
2 risks to our lakes and rivers.
3
4 U.S. Steel and IDEM have failed to provide
5 any legitimate justification for the five-year
6 grace period. They should be forced not only to
7 justify but to accelerate the schedule.
8 The City of Chicago supports industrial
9 development and understands U.S. Steel's vital
10 significance to the regional economy. But Chicago
11 believes that industrial activities and
12 environmental protection not only can but must
13 coexist. Companies that rely on the fresh water
14 of Lake Michigan have the responsibility to keep
15 it clean for current stakeholders and future
16 generations.
17 Once again, thank you to the U.S. EPA for
18 convening this hearing and for allowing us an
19 opportunity to make the City of Chicago's comment.
20 MS. GADE: Thank you, Maggie.
21 Now we're gonna turn to some of the
22 environmental groups and other nongovernment
23 organizations that both requested this hearing and
24 would like to participate in it. First, Erin
25 Crofton from Save the Dunes.

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1 MS. CROFTON: Hello. I'm Erin Crofton,
2 resource specialist for Save the Dunes Council.
3 I'd like to thank you for the opportunity to
4 submit additional comments on the proposed NPDES
5 permit for U.S. Steel.
6 Save the Dunes Council has worked for years
7 to reduce pollution in Northwest Indiana and to
8 improve water quality in the Grand Calumet River
9 and Lake Michigan. We recently helped organize
10 the Lake Michigan Environmental Coalition, made up
11 of 12 environmental organizations, to enhance our
12 ability to reach these goals.
13 Although we believe both the Indiana
14 Department of Environmental Management and U.S.
15 Steel put forth a good effort on this permit, it
16 still needs to be strengthened.
17 Many of the objections raised by EPA were
18 also raised as issues by Save the Dunes. However,
19 there are additional issues that have not been
20 addressed, and I will only mention a few.
21 Save the Dunes has urged for a lower cyanide
22 level to protect salmonids present in the Grand
23 Calumet River. We support the lower limit for
24 cyanide year-round and urge reductions be made as
25 required by the Clean Water Act.

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1 The Grand Calumet River is listed as impaired
2 for cyanide on the 303(d) list. This draft permit
3 allows cyanide to increase by 3.8 percent, and it

4 is not clear to us why an antidegradation
5 demonstration has not been submitted or required.
6 Because the river is listed as impaired for a
7 variety of pollutants, the state is required to
8 develop a total maximum daily load for those
9 pollutants that exceed water quality standards.
10 What is the status of the required TMDL's and how
11 can IDEM issue an NPDES permit on impaired
12 segments without the data to show what reductions
13 are needed from point sources to comply with
14 Indiana law?

15 Last but not least, the Save the Dunes
16 Council supports continuous temperature monitoring
17 at the outfalls on the Grand Calumet River and the
18 one into the Lake Michigan -- into Lake Michigan
19 as proposed. However, we want to see action to
20 reduce the thermal impact.

21 A study completed by Thomas Simon and Paul
22 Stewart, titled "Implications of Chinook Salmon
23 Presence on Water Quality Standards in a Great
24 Lakes Area of Concern," concluded that the
25 previous absence of salmonids in the Grand Calumet

0022 River may actually have been a result of discharge
1 temperatures associated with point sources than
2 for any other reason.

3 Save the Dunes recognizes that U.S. Steel has
4 made several improvements and upgrades to their
5 facility on their own and are the only ones who
6 have done their part in dredging the toxic
7 sediments from the Grand Calumet River. We hope
8 that U.S. Steel continues to do their part to
9 continuously reduce water pollution and that this
10 permit will reinforce this reduction.

11 Thank you.

12 MS. GADE: Thank you very much.

13 Next, Charlotte Reid with the Izaak Walton
14 League.

15 MS. REID: My name is Charlotte Reid. I'm
16 representing Chuck Siar, president of the Indiana
17 Commission, who was not able to be here today.

18 The Izaak Walton League thanks the U.S. EPA
19 for its diligence in reviewing the draft NPDES
20 permit for United States Steel Corporation Gary
21 Works. The agency's decision to schedule a public
22 hearing in Gary, Indiana, in light of the
23 demonstrated public interest in this permit, is in
24 the public interest.

0023 The Izaak Walton League of America was
1 founded in Chicago, Illinois, in 1922. The
2 Indiana division, a state chapter of the national
3 organization with some 3,000 members, was also
4 founded in 1922.

5 The league has maintained and continues to
6 maintain strong conservation policies supporting
7 protection and enhancement of Lake Michigan as
8 well as long-standing support for the Clean Water
9 Act. This includes support for a unified and
10

11 coordinated state and federal four-state policy
12 for adequate protection of Lake Michigan at both
13 the state and federal level, including evaluation
14 of the social, economic, ecological qualities of
15 Lake Michigan.

16 The league's Indiana division continues to
17 support stringent effluent guidelines for all
18 discharges to Lake Michigan as well as for
19 discharges to the rest of the waters of the state
20 of Indiana. The league was a major advocate of
21 Indiana's adoption of the 1990 water quality
22 standards, characteristic at the time as some of
23 the best in the country.

24 The league has a long-standing policy of
25 limiting any increase in the temperature of Lake

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1 Michigan to no more than one degree Fahrenheit
2 above ambient.

3 EPA, in commenting on the draft U.S. Steel
4 permit, called attention to the issue of both
5 temperature monitoring and compliance with GLI
6 standards. We agree that compliance with
7 temperature limits in both Lake Michigan and the
8 Grand Calumet River must be improved with this
9 permit.

10 We also support establishment and strict
11 interpretation of a nondegradation policy for
12 discharges to Indiana's waters.

13 The league worked for adoption of Indiana's
14 Great Lakes water quality standards and
15 implementation rules of 1997 which included
16 adoption of antidegradation policies which we
17 believed would bring enhanced protection to Lake
18 Michigan and tributaries in Indiana's Great Lakes
19 Basin. As presently carried out and interpreted
20 at both the state and federal levels, the league
21 is disappointed in this application. More
22 particularly, we believe U.S. Steel should pay the
23 full costs of cleaning up their wastes.

24 In addition, the agencies should impose
25 uniform technological requirements to achieve and

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1 maintain water quality standards, as long as these
2 effluent limit guidelines are up to date.

3 Protecting Lake Michigan and the Grand
4 Calumet River water quality also requires adequate
5 plans and controls over nonpoint source and
6 stormwater pollution as well.

7 When technology-based requirements are
8 insufficient to ensure that a water body will meet
9 water quality standards, more stringent
10 requirements in the form of water-quality-based
11 effluent limitations must be required whenever
12 indicated in the U.S. Steel permit to ensure the
13 water quality standard will be met.

14 Further, we want to see a firm nonpoint
15 source pollution control policy applied to U.S.
16 Steel's harbor and all other Lake Michigan port
17 and industrial harbors. This should require

18 improved handling of all shipboard wastes and
19 residues as well as environmentally designed and
20 operated fuel servicing and cargo transferring
21 procedures.

22 These suggestions may go beyond the specific
23 issues involved in this permit, but ports and
24 harbors must be evaluated for their potential for
25 discharging either direct or nonpoint sources of

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1 pollution.

2 The league strongly supports the objectives
3 of the Clean Water Act "to restore and maintain
4 the chemical, physical, biological integrity of
5 the nation's waters," Indiana's declaration that
6 all Indiana waters are to be fishable, swimmable,
7 and we hope drinkable, and the often ignored
8 principle of protection of existing uses as well
9 as designated uses.

10 For those waterway segments into which U.S.
11 Steel discharges that remain on Indiana's 2006
12 303(d) list of impaired waters, total maximum
13 daily load limitations -- determinations must be
14 made, or, if in process, must be completed so that
15 this draft permit will contain the required
16 effluent limits and nonpoint source controls that
17 will bring these waters into attainment of water
18 quality standards.

19 U.S. EPA and IDEM have an opportunity to make
20 necessary improvements to the U.S. Steel permit so
21 that this permit becomes a model for attaining the
22 goals of the Clean Water Act and Great Lakes Water
23 Quality Guidance.

24 Thank you.

25 MS. GADE: Thank you.

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1 Next I'd like to ask Janet Ryan from the
2 Indiana Wildlife Federation.

3 MS. RYAN: Good afternoon. My name is Janet
4 Ryan. I am president of the Indiana Wildlife
5 Federation. On behalf of the IWF, I would like to
6 thank you for granting us this meeting and
7 allowing our concerns to be expressed.

8 The IWF is a statewide nonprofit organization
9 created in 1938 for the protection and
10 preservation of our natural resources and our
11 sporting heritage.

12 I have been a resident of Northwest Indiana
13 my entire life, and -- as have many members of the
14 IWF. Once known as the Sweetwater Seas, the Great
15 Lakes comprised the largest source of fresh water
16 in the world. Our history and our heritage are
17 linked to the Great Lakes, and as Hoosiers, are
18 linked to Lake Michigan and its tributaries.

19 We have seen the damage that has been done by
20 untreated sewage, industrial pollutants, and
21 invasive species. The IWF objects to the
22 continued and unlimited amounts of pollutants U.S.
23 Steel is allowed to discharge into Lake Michigan.

24 The IWF recommends a stronger permit, a

25 permit that has tighter controls and oversight in
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1 the affected areas. And any pollutants discharged
2 into the water will affect the health of the
3 aquatic life that lives in our waters. It will
4 also have an economic effect that lowers the
5 quality of life of the people of the state -- or
6 people of Northwest Indiana.

7 We have joined other concerned organizations
8 and the Lake Michigan Environmental Coalition to
9 develop a letter explaining our objectives. This
10 letter will be read at a different time, and IWF
11 puts its full support behind this letter.

12 Now more than ever is the time to work
13 together with sporting, conservation, and
14 environmental groups to ensure the health of Lake
15 Michigan and its tributaries, to protect them so
16 that they can be enjoyed by our future
17 generations.

18 Thank you.

19 MS. GADE: Thank you very much. I'd like to
20 recognize Ann Alexander from the Natural Resources
21 Defense Council.

22 MS. ALEXANDER: Good afternoon. My name is
23 Ann Alexander. I'm a senior attorney with the
24 Midwest Program of the Natural Resources Defense
25 Council in Chicago, Illinois. We are a national

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1 organization representing 1.2 million members and
2 online activists. We very much appreciate Region
3 5's willingness to call this public hearing and
4 the close scrutiny of the IDEM permit which
5 underlies this hearing.

6 This is exactly how the Clean Water Act is
7 supposed to work. When state review is
8 insufficient, U.S. EPA has the authority to step
9 up to the plate and make sure things are done
10 right. And we're pleased that they're using that
11 authority here.

12 I would add that is not always how things
13 have worked in the past. And we can see that from
14 the condition of the receiving waters of the U.S.
15 Steel facility at issue today.

16 As documented in the Chicago Tribune, the
17 U.S. Steel facility ranks third on U.S. EPA's list
18 of facilities that are posing the greatest health
19 threat from water pollution. And there are two
20 other Indiana facilities that are not far behind.

21 But the fact that we're here today shows that
22 things can change. This hearing is a step in the
23 right direction. In view of the public dialogue
24 that surrounds the hearing that's been called
25 today, I think it's very important to emphasize

0030
1 that this hearing is not a referendum on the steel
2 industry or on the economic contribution of U.S.
3 Steel to Northern Indiana.

4 We are aware that U.S. Steel is a significant
5 employer in which many in the state of Indiana

6 depend and that it produces a valuable product
7 that we all use. But there is absolutely no
8 reason why effective management of a steel company
9 is incompatible with environmental protections.

10 In fact, good corporate management goes hand
11 in glove with environmental protection. The same
12 ingenuity that helps U.S. Steel to make a quality
13 product should be used to create a quality
14 environment.

15 Now, that said, I am not going to attempt to
16 give you in detail all of my specific technical
17 comments. I have written them out and will
18 present them to you in that form. I will be
19 summarizing those comments today. My comments
20 here, in turn, are based on much more extensive
21 comments that were submitted to IDEM in the
22 permitting process.

23 To briefly summarize our testimony: With one
24 minor technical exception, we wholeheartedly
25 support Region 5's grounds for objection.

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1 However, we believe that specifically in three
2 subject areas they need to go farther and do more
3 and that EPA objections need to be modified to
4 incorporate these additional concerns.

5 Specifically with respect to technology-based
6 standards, the agency appropriately identifies
7 several pollutants from which BAP limits were set
8 by IDEM but were insufficiently stringent. But we
9 have identified numerous additional instances in
10 which additional pollutants being discharged by
11 the facility, dangerous toxic pollutants, are not
12 being controlled for at all.

13 And we know that they're there because either
14 they were reported in the TRI data for the
15 facility but we're aware of the types of processes
16 used and that these pollutants are generated by
17 those processes. We mentioned freeze protection
18 wastewater as one. But many, many others.

19 With respect to WQ bells, similarly the
20 agency relies on Indiana's information, which
21 indicated several pollutants for which there was a
22 reasonable potential to cause or contribute to an
23 excursion over water quality standards.

24 But we have identified many more pollutants
25 for which WQ bells are necessary but were not

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1 provided, based on the impairment of the Grand
2 Calumet River, which is the receiving water.

3 And finally, with respect to antidegradation,
4 once again the agency has appropriately identified
5 several pollutants for which there are increases
6 in the permit for which no antidegradation review
7 was conducted. But once again we have identified
8 more.

9 And in addition, we're very concerned with
10 some of the pernicious logic buried in the fact
11 sheet justifying elimination of some of the
12 limits, which is essentially because U.S. Steel

13 has historically been controlling in recent years
14 for discharging certain pollutants that all
15 limits, including technical -- technology-based
16 limits, can be removed from the permit entirely.
17 We do not believe that that type of reasoning is
18 appropriate.

19 Finally, we support entirely U.S. EPA's other
20 objections, so I will not go into them here with
21 respect to cooling water intakes and schedules. I
22 would add, with respect to schedules, that
23 everyone has known since the early 1990s that
24 these more stringent limits were going to come
25 into effect. There is absolutely no reason to

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1 give U.S. Steel additional time to comply with
2 them.

3 And lastly, I would add we have raised
4 numerous other issues in our comments, which are
5 summarized in our testimony, that were not raised
6 in U.S EPA's objections. Most notably, almost
7 wholesale deference to the permittee with respect
8 to controlled stormwater. We believe that issue
9 also needs to be addressed in the agency's
10 objections.

11 We thank you very much for your time today
12 and for allowing us to participate in this
13 hearing.

14 MS. GADE: Thank you, Ann.

15 Next I'd like to call on Janet Negau (sic)
16 from the League of Women Voters in Northwest
17 Indiana.

18 NS. NEAGU: My name is Jeanette Neagu, and I
19 live in Michigan City, Indiana, and I am speaking
20 for three League of Women Voters chapters in
21 Northwest Indiana: The League of Women Voters of
22 Lake County, the League of Women Voters of Porter
23 County, and the League of Women Voters of LaPorte
24 County.

25 I do want to thank you very much for

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1 scheduling this hearing and responding in such a
2 positive way to the public outcry regarding
3 permitted discharges into the Grand Calumet as
4 well into Lake Michigan.

5 The League of Women Voters has been very
6 active in advocating for the protection of natural
7 resources since the 1920s, shortly after the
8 league was formed, when women received the right
9 to vote. We believe resources have to be
10 conserved and protected for their future
11 availability.

12 The league believes pollution of these
13 resources should be controlled in order to
14 preserve the physical, chemical, and biological
15 integrity of the ecosystem and to protect public
16 health.

17 As you know, this summer there has been an
18 incredible public response to the permitted
19 discharges into Lake Michigan from another

20 industry but not from U.S. Steel. I have not seen
21 such a response from the public to these issues
22 since many years ago when the Cuyahoga River
23 caught fire. And when that happened, we ended up
24 with our Clean Water Act.

25 I have to tell you, that in all of the work I
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1 have been doing this summer on another permit, the
2 thing that struck me the most was that the public
3 was not aware that there were permitted discharges
4 into the lake, of chemicals and pollutants. The
5 one answer we often had when we were circulating
6 petitions was, "We didn't know that was allowed."

7 Over a hundred thousand people signed a
8 petition in the Indiana-Chicago area, as you know,
9 protesting the discharges of pollutants into the
10 lake.

11 One of our major concerns about the USS
12 permit is that we have been told that the
13 cumulative impact has not been taken into
14 consideration when permits are being reviewed.

15 We made calls to the Indiana Department of
16 Environmental Management. In fact, one of the
17 elected officials of our state tried to get
18 information about how much pollutant is permitted
19 to be discharged in the tributaries to Lake
20 Michigan -- and into Lake Michigan. And the
21 answer was, "Well, we don't know. We don't keep
22 track of our records in that manner."

23 How can you possibly decide any permit
24 without looking at what else is going into the
25 river? I -- I think, that of all the issues that

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1 we face, that one is the one that strikes as the
2 most imperative to be addressed by the EPA and
3 IDEM.

4 As you know, Senator Durbin of Illinois was
5 quite shocked when he asked EPA -- and it's not
6 your responsibility to provide that -- "Well, what
7 is being discharged?" That answer is very hard to
8 get.

9 Fortunately EPA has a website that you have,
10 your Explorer. And when I went into that website,
11 I found out that, in fact, in 2006, 22 industries
12 had permits to discharge toxic chemicals into Lake
13 Michigan and its tributaries from two counties:
14 Porter County and Lake County. Lake County
15 industries alone discharged 1,931,247 pounds of
16 pollutants into the lake.

17 While we do understand that these -- this is
18 the host of major industry and we also are aware
19 that we have to have these major industries, not
20 only for employment but for the products that are
21 being reproduced. We do believe, that no matter
22 what, the cumulative impact onto the waters of the
23 lake have to be taken into consideration.

24 When we contacted IDEM and asked them to get
25 us that kind of information, they told us that we

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1 would have to go down to their headquarters and we
2 would have to spend hours going through all their
3 documents to find out what's being discharged.

4 Partially why I'm saying this is because the
5 public now is aware and the public wants you to
6 take the actions that are necessary and IDEM to
7 take the actions that are necessary to protect our
8 waters.

9 Thank you very much.

10 MS. GADE: Thank you very much.

11 Next I'll call on Sandy O'Brian who
12 represents the Hoosier chapter of the Sierra Club.

13 MS. O'BRIAN: Thank you. We're actually from
14 the Dunelands Group of the Hoosier chapter, and
15 our subset of the Hoosier chapter is about 900
16 members in Northwest Indiana.

17 Clean water's very important. And on the
18 plus side, U.S. Steel has done a good job dredging
19 their section of the Grand Cal as a result of this
20 set decree, which was -- I'm sure EPA had
21 involvement in that. And also, U.S. Steel has
22 done a great job of getting a good turnout from
23 their workforce too, at this meeting, because it's
24 good for them to have buy-in on why clean water is
25 important.

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1 For too long, you know, pollution has been
2 kind of a tragedy in the commons issue where
3 industries and even people pollute onto the
4 commons, and it's considered an externality. And
5 externalities have costs on the health of the
6 environment and people's quality of life and
7 people's personal health.

8 Whether they can breathe or whether they
9 might get sicknesses from drinking water with
10 pollution or whether they're eating fish with
11 mercury in it, that affects their health. And
12 whether you can eat the fish or not, that's
13 another quality-of-life issue and also an economic
14 issue.

15 Clean water is so important that we need to
16 push the envelope on how we can have industry and
17 clean water at the same time. To some extent,
18 pollution inefficiency, these things that are
19 polluting the water are also resources, and it
20 should be looked at that way. Inefficiency is not
21 good management.

22 The Clean Water Act of 1972 was made with the
23 intention of no -- no right to pollute. No one
24 has the right to pollute. And there was even the
25 thought that national goal of pollution into the

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1 waters of the U.S. would be over by 1985.

2 Well, here we are 22 years later and we have
3 a permit application and a draft permit that gives
4 increase, even, in pollutants, let alone not
5 steady decreases. And we're eight years behind on
6 getting this permit done. This permit's 13 years
7 old. We should have had eight years of increased

8 efficiency and less pollution.

9 So, we're behind and we certainly shouldn't
10 be having a permit that -- that reflects being so
11 far behind -- or for not being far behind. We
12 need a permit that really zooms ahead and is very,
13 very stringent.

14 And I also think that nonpoint source
15 pollution should be considered, because water
16 runoff carries a lot of pollution, even though it
17 doesn't come from a certain pipe's outfall. And
18 ballast water could be considered and cumulative
19 impact of U.S. Steel's pollution, which is very,
20 very huge compared to a lot of the other sources.

21 But they all need to be considered together
22 in the health of our water.

23 Thank you.

24 MS. GADE: Thank you very much, Sandy.

25 Now, I'd like to have Tina Rondgers -- I

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1 might be saying that wrong -- from the Alliance
2 For The Great Lakes.

3 MS. RONDGERS: Good afternoon. My name is
4 Tina Rondgers (phonetic), and I'm a native of
5 Northwest Indiana, residing in Valparaiso. And I
6 am speaking today as a member of the board of
7 directors to the Alliance For The Great Lakes.

8 In this capacity, I provide a Hoosier
9 perspective on the environmental and economic
10 issues impacting the health and well-being of
11 Indiana residents, businesses, and the southern
12 Lake Michigan ecosystem to a larger basinwide and
13 national efforts spearheaded by the alliance to
14 conserve, restore, and ensure the world's largest
15 fresh water resource for all generations of people
16 and wildlife.

17 The NPDES permit process for Northwest
18 Indiana's shoreline industries, like U.S. Steel,
19 exemplifies the 21st-Century challenge facing
20 Great Lakes communities and industries. How do we
21 achieve balance between environmental quality and
22 economic vitality, both of which are imperative to
23 a high quality-of-life experience in any locale.

24 First we must acknowledge that both
25 environmental and economic progress is being made

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1 here in Northwest Indiana and throughout the Great
2 Lakes. Through regional collaboration between
3 public, private, and nonprofit sectors, Northwest
4 Indiana has benefitted from environmental
5 remediation efforts and project restoration
6 investments along the Grand Cal River, Lake
7 Michigan shoreline, and its tributaries.

8 U.S. Steel in this regard has made
9 significant progress. It has adopted ISO 14000,
10 reduced lead instruments at its facilities, and
11 nearly completed its dredging of the Grand Cal and
12 continues to support local projects, including
13 youth-oriented environmental education.

14 In terms of the regional economy, Northwest

15 Indiana seeks to bolster expansion activities
16 within its manufacturing base while diversifying
17 the economy through other sectors and development
18 projects that recapture the Lake Michigan
19 shoreline.
20 A published study by the Northwest Indiana
21 Regional Development Authority measured the return
22 on investment for shoreline redevelopment
23 inclusive of project restoration. This study
24 found that targeted shoreline redevelopment, some
25 portions of which include U.S. Steel property,
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1 would generate 36,000 jobs in the regional economy
2 and increase the net new economic activity by
3 38.9 billion in present value over the next 40
4 years.
5 Despite the gains, we recognize that the
6 cultural mindset has not widely embraced the
7 concept of sustainability, as evident by the draft
8 U.S. Steel permit application that brings us here
9 today.
10 The alliance For The Great Lakes agrees with
11 and applauds the U.S. EPA Region 5 analysis that
12 concluded that the draft U.S. permit violates
13 various aspects of the Clean Water Act. We
14 express similar concerns in written comments to
15 IDEM dated October 1st, 2007.
16 The alliance is here today to advocate for
17 stronger pollution limits which will -- which will
18 prevent further degradation of the impaired Grand
19 Calumet River and stressed Lake Michigan. It is
20 everybody's duty to protect human health and the
21 environment, as required by law.
22 As we move forward, achieving balance between
23 environmental quality and economic vitality
24 requires us to recognize the importance and the
25 value of regional assets, whether it is a
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1 competitive firm like U.S. Steel or the ecosystem
2 of the Great Lakes.
3 Thank you to the U.S. Region 5 for convening
4 this public hearing on the draft U.S. Steel NPDES
5 permit after its own thorough review, concluding
6 grounds for objection based on several violations
7 of the Clean Water Act. The key concerns of the
8 Alliance For The Great Lakes will be described now
9 by Lyman Welch who is the quality -- water quality
10 manager.
11 Thank you.
12 MS. GADE: Lyman?
13 MR. WELCH: Good afternoon. My name is Lyman
14 Welch. And that's L-y-m-a-n, W-e-l-c-h. I'm the
15 water quality program manager for the Alliance For
16 The Great Lakes, and we thank EPA for holding this
17 public meeting. The public participation that
18 we're seeing here today is vital to achieving
19 economic and environmental improvement.
20 The Great Lakes are home to 95 percent of
21 America's and 20 percent of the world's fresh

22 surface water, providing drinking water, jobs, and
23 recreation to some 40 million people.

24 A one-time gift from the glaciers, the waters
25 are largely non-renewable and irreplaceable. A

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1 report from the Brookings Institution in September
2 found that restoring this critical but vulnerable
3 public resource is an investment, with every
4 dollar spent on bringing the Great Lakes back to
5 health likely to bring another dollar in return.

6 Now, we -- on October 1st, the alliance
7 submitted specific technical comments on the
8 proposed permit for U.S. Steel to IDEM. And we
9 look forward to seeing IDEM's response to those
10 comments. We've also provided a copy of those
11 comments to EPA, and we appreciate that the EPA
12 has brought forward a number of objections that
13 mirror many of the comments that we have made.

14 In particular, some of our chief concerns
15 with this permit are that U.S. Steel should not be
16 given a five-year pass on the discharge of
17 pollutants, including mercury, ammonia, and
18 cyanide. They're detrimental to water quality and
19 the people and wildlife dependent on the Great
20 Lakes.

21 In the entire course of the permit
22 proceeding, there's been no demonstration by U.S.
23 Steel why such a lengthy delay is necessary or
24 should be granted in this process. And given the
25 long period of time that IDEM and U.S. Steel has

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1 had to prepare for this, there's no reason to
2 delay implementing those measures shown in the
3 record.

4 Second, U.S. Steel's production activities
5 should not be allowed to impede the reach of
6 progress and investments towards environmental
7 remediation and restoration along the Grand
8 Calumet River and the Lake Michigan shoreline.

9 Third, the final water pollution discharge
10 permit must require substantial reductions in the
11 discharge of cyanide, chromium, oil, grease, and
12 thermal pollution to the Grand Calumet River. I
13 recognize that U.S. EPA has identified some of
14 those pollutants and has wondered where the
15 antidegradation analysis is for those. We support
16 that concern.

17 A recent report produced to the Indiana
18 governor by Barnes shows that there are some holes
19 in Indiana's antidegradation requirements. And
20 those need to be addressed here in Indiana to
21 fully protect Lake Michigan and other waters here
22 in the state.

23 In addition, as been identified, there are a
24 number of instances where it's unclear from the
25 data whether there's going to be an increase in

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1 pollutants. During some of the public meeting, we
2 had heard from Indiana and U.S. Steel

3 representatives that there would be no increase in
4 pollutants for granting this permit to U.S. Steel.
5 But after the public comment period had
6 closed on the state permit, a new analysis or
7 spreadsheet was put forward by IDEM that showed
8 there were increases in certain limits for
9 chemicals, and some of those numbers may have
10 moved.

11 They have -- instead of reporting from the
12 actual out -- outfall, the final outfall where
13 limits were previously, now they're putting those
14 into the pipe that outfall limits have been
15 eliminated, but internal limits are there that are
16 different from what's before.

17 So, we need a little more clarity and
18 analysis to determine if there's back slogging in
19 the permit lifts from U.S. Steel.

20 Finally, the final permit must ensure the
21 production and stormwater runoff which contains
22 unknown quantities of pollutants into Lake
23 Michigan. And in conclusion, this flood permit
24 would reverse years of restoration efforts to
25 improve Lake Michigan. Strong permit limits need

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1 to be written into the permit now so that we're
2 not faced with a cleanup situation later.

3 Thank you.

4 MS. GADE: Next I'd like to recognize Kim
5 Ferraro, representing the Lake Michigan
6 Environmental Coalition.

7 MS. FERRARO: Good afternoon. My name is Kim
8 Ferraro. I'm an attorney and executive director
9 of the Legal Environmental Aid Foundation. I'm
10 also a board member of the Save the Dunes Council,
11 board member of the Hoosier Environmental Council,
12 president of the Northwest Indiana Regional
13 Hoosier Environmental Council, and a contact member
14 for POWER, People Opposed to Wastewater Without
15 Enough Review.

16 I'm here on behalf of 12 environmental
17 organizations. We call ourselves the Lake
18 Michigan Environmental Coalition.

19 It includes Save the Dunes Council; Hoosier
20 Environmental Council; Natural Resources Defense
21 Council; Indiana Wildlife Federation; Indiana
22 Division of the Izaak Walton League of America;
23 Environmental Law and Policy Center; Sierra Club,
24 Hoosier Chapter; Alliance For The Great Lakes;
25 League of Women Voters of Northwest Indiana;

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1 People Opposed to Wastewater Without Enough
2 Review; Environment Illinois; and the Legal
3 Environmental Aid Foundation of Indiana.

4 We all want to thank U.S. EPA for granting
5 our request for a public hearing on EPA's
6 objections to the U.S. Steel permit. We also
7 thank EPA for choosing this venue in Gary to
8 ensure maximum participation by citizens who are
9 most affected by the U.S. Steel permit.

10 Yesterday, we submitted detailed written
11 comments regarding each of EPA's objections, and I
12 received confirmation from you of that. Thank
13 you.

14 Generally we support each of EPA's objections
15 as set forth in the agency's letters of
16 October 1st and October 16th. However, as we've
17 articulated fully in our letter and our written
18 comments, we believe EPA's objections do not go
19 far enough in certain respects. Some of those
20 you've already heard today, but I will summarize
21 them again.

22 We also are concerned that EPA's objections
23 do not address several other concerns not within
24 the scope of EPA's objections. Number one, we
25 share EPA's concern that certain water quality

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1 effluent-based effluent limits in the draft permit
2 are inappropriate and inconsistent with IDEM's
3 reasonable potential to exceed determinations as
4 set forth in Attachment Four of the fact sheets.

5 However, we're also concerned about the
6 dramatic inconsistencies between IDEM's reasonable
7 potential analysis and TRI data provided by U.S.
8 Steel as to its annual discharges of many
9 pollutants. A final permit should not be issued
10 without a thorough explanation for these
11 discrepancies and clarification by IDEM as to its
12 method of calculation for reasonable potential.

13 We also support EPA's objection to
14 technology-based effluent limits for copper, lead,
15 and zinc at Outfall 604 that are inconsistent with
16 IDEM's determination of appropriate
17 technology-based limits as set forth in Attachment
18 Three of the fact sheet.

19 But we are also concerned with IDEM's failure
20 to set appropriate technology-based limits for
21 several chemical pollutants at numerous other
22 outfalls despite the fact that U.S. Steel has
23 known about and has been subjected to these
24 technology limits under federal regulation since
25 March 31st, 1989.

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1 Allowing U.S. Steel another five years to
2 comply with water-quality-based effluent limits
3 for benzoapyrene, free cyanide, whole effluent
4 toxicity, copper, zinc, ammonia, and mercury
5 completely undermines the purpose of the Clean
6 Water Act, especially considering that U.S. Steel
7 either knew or should have known that it would
8 have to comply with the more stringent standards
9 for these pollutants by the enactment of the Great
10 Lakes standards which was enacted by Indiana in
11 1997.

12 We share EPA's objection to effluent limits
13 in the draft permit that allow for increased
14 discharges of zinc and total recoverable chromium
15 without requiring an antideg demonstration. We
16 also urge, however, EPA to require an antideg

17 demonstration before allowing U.S. Steel to
18 discharge another 63 tons of oil and grease per
19 year in the Grand Cal.
20 We agree with you -- with EPA that U.S. Steel
21 should not be given three more years to comply
22 with thermal and effluent limits, but we also urge
23 EPA to impose continuous monitoring at all
24 outfalls within -- with government influence as
25 opposed to once or twice a week monitoring which

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1 would be allowed by IDEM under the draft permit.

2 Our coalition is concerned that IDEM has
3 completely failed to consider the impaired
4 watershed status of the Grand Cal, despite the
5 fact that U.S. Steel's discharges to the
6 headwaters of the Grand Calumet constitute
7 virtually all of the volume of water flowing at
8 that location.

9 Primarily, all of our organizations are
10 concerned with IDEM's failure to review U.S.
11 Steel's stormwater pollution prevention plan or
12 disclose it to the public despite U.S. Steel's
13 significant noncompliance with stormwater
14 monitoring and reporting requirements.

15 Again, this is a summary of our concerns
16 which are fully articulated in our written comment
17 submission.

18 In closing, I'd like for us all to be
19 reminded, as Sandy O'Brian pointed out earlier,
20 the Clean Water Act enacted in 1972 is based on
21 the premises that no person or entity has the
22 inherent right to pollute.

23 In fact, the congressional vote Clean Water
24 Act of '72 was to eliminate the discharged
25 pollutants to our amicable waters by 1985.

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1 Although we have not achieved this goal some 25
2 years later, it certainly sheds light on the
3 purpose, meaning, and well-chosen name of the
4 permit being considered this evening. That is,
5 the National Pollution Discharge Elimination
6 System permit of U.S. Steel.

7 As EPA is aware, many of the clean water acts
8 include many regulations which apply to the U.S.
9 Steel draft permit, are subject to interpretation.
10 EPA also knows that one of the prime directives
11 for statutory interpretation is those statutes or
12 provisions are to be interpreted consistently with
13 the overall purpose, policy, goal, and intention
14 of its drafters.

15 Accordingly, on behalf of the Lake Michigan
16 Environmental Coalition, we respectfully request
17 that EPA invoke its authority to modify and amend
18 its objections to address our additional concerns
19 and ensure that proper standards and limits are
20 imposed in the final permit for U.S. Steel, the
21 request, and further Congress's intent when they
22 enacted the Clean Water Act.

23 Thank you for your consideration.

24 MS. GADE: Next I'd like to call Brian Mital
25 (phonetic), representing the Hoosier Enviromental
0053 Council, to speak.
1
2 MR. MATAALL: Yes. Thank you very much for
3 allowing us to speak and -- and having this forum.
4 My name is Brian Mital. I'm the vice
5 president of the Region 1 of Hoosier Enviromental
6 Council. I'm also on the board of directors
7 downstate.
8 I'm also an instructor with the Hoosier
9 Riverwatch. And as a Hoosier Riverwatch
10 volunteer, part of my job is to -- is to look at
11 the biota to evaluate the condition of waters.
12 And also, as a scuba diver diving in Lake
13 Michigan, I have seen as a direct indicator the --
14 the -- not only the decrease or absence of biota
15 but also the disease that these pollutants that
16 industries along this lakeshore impair upon the
17 biota in that lake. It is a direct indicator that
18 this lake is impaired.
19 The basis of issuing a permit -- this permit
20 is to give license to allow to pollute such a
21 vital resource in this country and this world, not
22 just in Northwest Indiana. I think that any
23 permit in the spirit of the Clean Water Act should
24 be notched, and each permit should require a
25 decrease in pollutants. And each subsequent
0054 permit should notch that up every time and not
1 give a pass.
2 I was also a former employee of U.S. Steel
3 and intimately -- intimately connected with the
4 wastewater treatment facilities. And I would say
5 since 1973 -- well, in 1973-74, it was my
6 understanding that by the mid-'80s there would be
7 no pollution from U.S. Steel.
8 And it was also my understanding that the
9 personnel that were employed by the steel mill
10 would actually -- that were involved in pollution
11 control would actually exceed the number of
12 manufacturing personnel.
13 Neither one of those were the case.
14 From information I get from people inside the
15 mill, there have been no significant increases in
16 technology for wastewater treatment. And, in
17 fact -- in fact, the existing -- the existing
18 facilities are sometimes in ill repair and not
19 attended to sometimes over a year. This is not --
20 this should not be the case.
21 The industry in the area has already got
22 their cookie. They are making approximately ten
23 times the steel with one-tenth of the employees.
24 That should not -- I mean, there should be a
25 significant increase in number of employees that
0055 deal with pollution control and a significant
1 increase in technology.
2 I appreciate the contributions that the steel
3
4

5 industries gave to Northwest Indiana, but I also
6 appreciate the damage that they have done.
7 To sum things up: The -- what I'm -- what I
8 request is that -- that the EPA and IDEM request
9 that -- demand that the steel industries and all
10 industries using the waters of Indiana work
11 towards and show significant progress towards zero
12 outfall, no pollution, a pollution elimination, a
13 complete recycling of water. And Bethlehem Steel,
14 now Mittal Steel, had begun to implement that in
15 the early '70s, mid-'70s, and that -- that was
16 scrapped.
17 I also -- I also request that the philosophy
18 of IDEM change and that EPA demands that the new
19 philosophy of economic development versus -- and
20 before environmental protection -- be reversed.
21 In fact, in the U.S. Steel industry report of
22 2005, it was stated on page nine that -- that the
23 permit issued due to the philosophy change of IDEM
24 was not permit -- getting issued a permit was not
25 no longer an issue. And then that was

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1 demonstrated -- if you look at their PowerPoint on
2 IDEM's website, that they clearly defined their --
3 their philosophy of economic development first.
4 And I also -- the last is to request that all
5 the technology, all the methodology and
6 maintenance records of industries along the lake
7 or any significant waterways on -- on -- in the
8 waters -- using the waters of Indiana be -- be
9 fully divulged and made public and that -- that
10 the public has the right and the ability to be
11 able to monitor, if necessary, on their own.

12 And thank you again.

13 MS. GADE: Thank you very much. I'd like to
14 ask Jessica Dexter, representing the Environmental
15 Law and Policy Center, to speak.

16 MS. DEXTER: Thank you for hosting this
17 hearing today. I'm Jessica Dexter. I'm a staff
18 attorney at the Environmental Law and Policy Center
19 of Midwest. We endorse the comments made by NRDC
20 and others regarding the use of this permit, and
21 I'm not going to reiterate the things that they
22 said. But I do want to focus on one particular
23 issue that illustrates the unreasonable
24 interpretation of a reasonable potential analysis
25 done by IDEM.

0057

1 We know that there is ammonia in the
2 processed water out of falls five and ten. In its
3 fact sheet, IDEM looked at the historic discharge
4 data from those outfalls and concluded that its
5 past discharges would not violate the current
6 water-quality-based effluent limit they would set.
7 There's no reasonable potential that those limits
8 would ever be succeeded -- or exceeded. Excuse
9 me.

10 On that rationale, IDEM illogically declined
11 to update the ammonia limit in the 2007 permit.

12 This rationale laid out "to the maximum extent"
13 would mean that any facility that had been in
14 compliance with permit limits in the past doesn't
15 need permit limits in the future.
16 It's sort of like the highway patrol saying
17 that if I have never been caught speeding over 55
18 miles per hour, then I have no reasonable
19 potential to speed in the future and that the
20 55-mile-an-hour speed limits no longer apply to
21 me, I get a special speed limit of 90 miles an
22 hour. What is to stop me from going over 55 miles
23 per hour in the future and what recourse would the
24 highway patrol have?

25 The reason we have lower levels of WQ bells
0058
1 in the past is because the effluent is treated to
2 remove ammonia. We all know that discharge levels
3 can change. Treatment systems can fail or be
4 removed, processes can be altered.
5 And if facilities pass compliance tests no
6 lower than to its reasonable potential to
7 discharge that pollutant, if the pollutant exists
8 at all effluent, then there's a reasonable
9 potential for violation, and appropriate correct
10 limits must be needed in the permit.

11 We thank EPA for holding this important
12 hearing, and we appreciate your continued efforts
13 to bring this permit and the rationale of IDEM up
14 to compliance with the Clean Water Act.

15 Thank you.

16 MS. GADE: Thank you.

17 Then Margaret Herby representing the Gary
18 Citizens Labor Council, please.

19 MS. HERBY: Hi. My name is Margaret Herby.
20 I'm a representative of Citizens Labor Council in
21 Gary, protecting the Gary citizen workers union
22 but also nonunionized workforce.

23 But I guess a lot of things have been said.
24 I'm so glad. I want to just thank you for doing
25 your job like you're supposed to and protecting
0059

1 our environment. The lake belongs to all of us,
2 not just one person or a few, and we all need to
3 protect it.

4 I came with letters from a school just a
5 block away as the bird flies from the lake. I
6 betcha every one of these kids who wrote letters
7 asking you to protect it has swum in that lake.

8 So, I don't know if there's anybody here
9 who's swum in it or had their kids swim in it, but
10 to me, that's like a loaded gun. A permit is --
11 what is it a license to do that -- what is
12 otherwise unlawful or illegal. So, to me, we need
13 to protect it.

14 To do your job -- definitely do your job
15 for -- not just for now and for us, but for the
16 people who live closest right now should have the
17 biggest say. Because as far as I know, no CEOs
18 live close to here. Maybe a -- quite a few

19 stockholders probably don't live very close.
20 And by the way, not too many Gary people
21 actually work at the steel mills. It's almost
22 like there's a filter on 4th Avenue that prevents
23 people from Gary from coming in to work on the
24 job.
25 So -- and this is -- U.S. Steel is the same
0060
1 people who arbitrarily decided they're gonna lower
2 their own taxes. And so most people are feeling
3 the effects today in Lake County, and especially
4 close by here from the BP and U.S. Steel. These
5 are the same people that are gonna protect us? I
6 don't think so.
7 So, please, do your job and watch -- watchdog
8 for us. Do your job. I think you're doing a
9 great job. I come from the time frame where James
10 Watts was around in charge of the EPA before. Oh,
11 what a mess.
12 These guys -- actually, they're learning
13 their history too, because they're mentioning -- a
14 couple of 'em have -- the '70s and how bad it got
15 then.
16 So, we -- I don't think we'd have to have --
17 we shouldn't necessarily have to have a tag
18 saying, "This is what killed me." I don't think
19 any of those elements that are getting polluted
20 into the lake that our kids are swimming in have
21 something saying "I came from U.S. Steel," "I
22 came from BP." None of those cancers, that
23 asthma, the -- any of that stuff, you know,
24 doesn't come on the fish. So, who knows what
25 happens.
0061
1 So, please do your job. I will submit these.
2 I want to copy them so that you know -- we have to
3 come up with ways to change business as usual and
4 "that's just the way it is" kind of mentality. So
5 -- 'Cause there -- were there -- What did they do
6 with the tax money? That's what I wonder.
7 It's like, Did they help us? Did they do any
8 good with the taxes that we're having to -- that
9 houses are becoming foreclosed probably because
10 they can't afford the new tax burden. It's out of
11 this -- it's out of the sky. You know, the
12 dramatic difference from one year to the next.
13 We're having to come up with creative solutions
14 how to keep our homes.
15 So, I'd like for them to be accountable for
16 what happened with the money that they got that we
17 have to pay for now, and we're getting the --
18 we're getting the double-edged sword right now
19 from taxes and no good to show for it.
20 So, I just want to say thank you for doing
21 your job and please continue to fight the good
22 fight.
23 MS. GADE: Thank you. And I'd like to thank
24 all of our speakers for their thoughtful
25 presentations.

0062

1 We have 23 members of the general public who
2 have signed up to speak, thus making it really
3 important that we adhere to the two-minute limit.
4 So as much as we'd like to be able to speak for
5 longer, two-minute speaking, and then if you have
6 additional written comments, we welcome them.

7 So, we're gonna do this in numerical order in
8 terms of how people signed up at the table
9 outside. So, number one, come on down.

10 MR. LIPPERT: Well, I'd like to introduce
11 myself as Daniel in the lion's den, but I'll
12 introduce myself as Tom Lippert, executive vice
13 president and general counsel, Tube City IMS
14 Corporation.

15 We are the largest vendor to U.S. Steel. We
16 provide goods and services to U.S. Steel. We have
17 a significant presence at U.S. Steel Gary Works,
18 which includes 382 employees.

19 We have two divisions to our company, a Tube
20 City side and the IMS side, which is preproduction
21 and postproduction services. We have 15 percent
22 of our total workforce at Gary. We have 382
23 employees out of 2,600 in our company. This group
24 of workers represents about 1,500 family members
25 supported by the economy.

0063

1 I don't want to debate the facts that I'm not
2 fully familiar with, but I know a lot more people
3 come from the Gary area. It doesn't stop on 4th
4 Avenue or any other avenue.

5 And we have been dealing with U.S. Steel in
6 our company since 1956, in all of its operations.
7 And we've been dealing at the Gary Works since --
8 in our IMS division, or international mill service
9 division, since 1974 and our Tube City division
10 since 1991.

11 We know U.S. Steel is a -- an advocate for
12 environmental protection. Their acronym (sic) is
13 "Continuous improvement to a higher environment."
14 And I don't believe that they hold their vendors,
15 such as Tube City IMS, to any lesser standard than
16 they hold themselves to.

17 Now, I realize that honest minds can differ,
18 and we have the facts you argue. The facts are
19 the equity. I have 30 seconds remaining, but I'll
20 do it.

21 In any event, Gary is a large manufacturing
22 facility. Our understanding is that the IDEM
23 NPDES permit provides for lower discharges, not
24 higher discharges, while still allowing the Works
25 to be competitive.

0064

1 And the end game of this whole process, which
2 I'm fully familiar with from 70 operations around
3 the globe that have complied, is to find a proper
4 balance between the technical requirements and the
5 economic reality. And we believe that the IDEM
6 draft permit provides that balance and should be

7 fully supported and department-granted.
8 MS. GADE: Okay. In order to expedite this,
9 Denise just suggested -- and we should follow
10 this. We're gonna have people lining up. So, if
11 we could have the second speaker come up to the
12 microphone, whichever's closest to you. Third,
13 fourth, if you could start lining up.
14 MR. MILLSAP: Thank you. My name is Mike
15 Millsap. I am the subdistrict director for the
16 United Steelworkers of Northwest Indiana, and I am
17 here representing USW membership, including the
18 majority of the Gary Works 6,000 employees that
19 are represented by the steelworkers.
20 I would ask that -- the U.S. EPA to consider
21 the following: U.S. Steel Works is considering a
22 renewal in its water permit. The company has a
23 good track record, and, yes, it has abided by the
24 permits in the past.
25 The men and women represented by the USW Gary

0065

1 Works are the ones that are handling the water
2 treatment. They are also the community. We are
3 committed as a union to working with the company
4 to ensure that we are achieving environmental
5 standards required under the law. We expect that
6 U.S. Steel is going to abide by it. It is our
7 belief in the past that they have and that they
8 will continue to do so.
9 In fact, the permit by the NPDES requires
10 U.S. Steel to improve the water in Lake Michigan.
11 And it is our belief that we ought to be able to
12 achieve both with good water and also protect the
13 community and the employees and our working
14 employees and their families in Northwest Indiana.
15 Thank you.

16 MR. KOC SISTECH: Good afternoon. My name is
17 Lewis Kocsistech, Jr., and I'm the president of
18 Caster Maintenance Company located here in Gary,
19 Indiana.

20 Caster Maintenance has been a supplier and
21 partner to U.S. Steel for over 20 years.
22 Throughout these years, we have worked very close
23 with U.S. Steel with the goal of producing
24 world-class products and services via mutual
25 cooperation and a commitment to continuous

0066

1 improvement.
2 Furthermore, countless other local suppliers
3 share in this effort in order to help U.S. Steel
4 be a competitive global steel supplier.
5 Many of our customers -- I'm sorry -- many of
6 our companies are hard-working, tax-paying
7 employees, and their families depend on the
8 economic opportunities offered by Gary Works.
9 Now, hundreds of millions of dollars sourced by
10 U.S. Steel Gary Works helps fuel the local
11 economy. Without these opportunities, businesses
12 like ours would not exist, thousands of jobs would
13 be lost, and tax revenues would be significantly

14 reduced.
15 Just as local suppliers continue to work
16 closely with U.S. Steel in the spirit of
17 continuous improvement, U.S. Steel continues to
18 partner with local environmental agencies with the
19 same commitment. Not only has U.S. Steel invested
20 hundreds of millions of dollars in its facilities
21 in order to upgrade environmental controls, U.S.
22 Steel has met or exceeded the requirements of
23 previous environmental agreements.

24 As a result of this history, we expect U.S.
25 Steel to continue the dedication to environmental
0067

1 stewardship. Therefore, I urge the EPA and IDEM
2 to issue this permit in order to keep U.S. Steel
3 as both our economic and environmental partner.

4 Thank you very much.

5 MS. GADE: Our fourth speaker, please.

6 MR. STRAYER: First of all, I'd like to thank
7 you for coming to Northwest Indiana. I'd also
8 like to thank our friends from Illinois for being
9 here.

10 My name is Jim Strayer. I'm business manager
11 for the Northwest Indiana Building Trades. I'm
12 here today to represent the many men and women
13 that work in U.S. Steel on a daily basis.

14 U.S. Steel produces over three million
15 man-hours a year for the building trades. That
16 number has decreased in recent years. At one time
17 doubled and tripled that amount.

18 We have many people here who make a living
19 through U.S. Steel. We estimate ten thousand men
20 and women construction workers, union construction
21 workers, work in the U.S. Steel on a yearly basis.

22 Some people here today think that we need to
23 shut the doors on U.S. Steel Gary Works so that we
24 can have a good environment. U.S. Steel provides
25 a strong tax base for the region. The building
0068

1 trades believes that we can have a strong
2 manufacturing base in the region and still protect
3 the environment.

4 We also understand the role of U.S. Steel in
5 protecting the environment. This environmental
6 stewardship should not be taken lightly. U.S.
7 Steel must continue to invest dollars to upgrade
8 environmental controls to minimize the impact of
9 water and air -- to impact the water and air and
10 land.

11 This new permit is more stringent
12 discharge -- on discharges. They closely guard
13 the Grand Calumet River. Northwest Indiana
14 Building Trade supports the new air permits in
15 hope that IDEM and EPA will support also.

16 Thank you.

17 MS. GADE: Speaker number five.

18 MS. QUANDT: Good afternoon. I'm Barbara
19 Quandt, and I'm here on behalf of the Indiana
20 Chamber of Commerce. This is a statement I'm

21 going to read prepared by Vince Griff, vice
22 president of Environmental and Energy Policy.
23 The Indiana Chamber of Commerce with more
24 than 4,600 members is the state's largest advocacy
25 organization representing the business community.

0069

1 The steel industry represents one of the state's
2 premiere business sectors and is integral to
3 regional, state, and national economic vitality.
4 U.S. Steel represents a significant portion
5 of that segment. U.S. Steel and the entire
6 Indiana steel industry have made major investments
7 in their operations to reduce pollution in all
8 areas of their processes, including water
9 discharges.

10 The Indiana Department of Environmental
11 Management has aggressively worked to reduce the
12 number of outstanding NPDES permits. One example
13 is this U.S. Steel case.

14 The U.S. Steel water NPDES permit discussed
15 today meets or exceeds the restricted federal and
16 state standards. U.S. Steel has followed the
17 detailed permit approval process as described by
18 the Clean Water Act, which includes public review,
19 comment, and final approval by the Environmental
20 Protection Agency.

21 This permit will install new and restricted
22 water quality standards on U.S. Steel that will
23 improve the environment and preserve an important
24 element of our state and national economy.

25 The Indiana Chamber asks only that the U.S.

0070

1 Steel water permit be fairly judged using sound
2 science and there be recognition that the U.S.
3 Steel -- that U.S. Steel has abided by the
4 detailed permit approval process.

5 Recently there have been instances in other
6 industries in which the company seeking permit
7 approval has been unjustly attacked despite
8 following the proper procedure and demonstrating
9 with sound science that the permit will, in fact,
10 meet or exceed the environmental standards. These
11 attacks have been based on misinformation and
12 misperceptions in an effort to promote an
13 unrelated political agenda.

14 In summation, U.S. Steel has respected the
15 detailed permit process, submitted data based on
16 sound science, and is deserving of its water
17 permit.

18 The Indiana Chamber appreciates the
19 opportunity to speak on this matter, and it
20 strongly supports the approval of the U.S. Steel
21 water permit.

22 Thank you.

23 MS. NELSON: Good afternoon. My name is Kay
24 Nelson, and I thank you for the opportunity to
25 speak to you today.

0071

1 With 30 years of environmental experience in

2 Northwest Indiana, I've spent the past nine years
3 with the Northwest Indiana Forum. The forum is a
4 membership-based regional economic development
5 organization whose membership of 123 and growing
6 represents industrial and commercial businesses,
7 financial entities, universities, and
8 municipalities within Lake, Porter, and LaPorte
9 counties.

10 In total, our membership reflects 40 billion
11 dollars of commerce annually to the state of
12 Indiana. Northwest Indiana Forum Environmental
13 Committee is comprised of members from
14 ArcelorMittal Indiana Harbor, ArcelorMittal Burns
15 Harbor, NiSource NIPSCO, U.S. Steel, British
16 Petroleum, Barnes & Thornburg, Weaver Boos,
17 Quality Environmental Professionals, Inc., and
18 Microbac Laboratories.

19 They have been active for more than 15 years
20 in this committee membership. Member
21 representatives inform staff that participated on
22 critical Indiana Department of Environmental
23 Management or IDEM work groups that -- on rules,
24 regulations, state statutes, and nonrule policy
25 documents as they've been developed.

0072

1 Additionally, members of our committee serve
2 on the Indiana Water Pollution Control Board. The
3 committee has an adopted mission statement which
4 calls for us to work closely with community and
5 environmental stakeholders to discuss
6 environmental issues at every stage of development
7 so that we determine areas where we agree and
8 identify those areas where we respectfully agree
9 to disagree.

10 To that end, the forum works diligently and
11 continually to assist our members with their
12 public outreach regarding expansion and new
13 project construction so that issues are clearly
14 understood.

15 On December 6th, an important report was
16 released, entitled "Review of the BP Whiting
17 Refinery Permit," as prepared by Indiana
18 University. The report and transmittal letter
19 point out a number of important facts having
20 bearing on our meeting here today.

21 Dr. Barnes stated that sound permit
22 application and issuance process was, quote, a
23 very straightforward permitting action undertaken
24 in a regulatory regime where Indiana is in some
25 respects acting more protective of Lake Michigan

0073

1 than adjoining states.

2 The IDEM complied with existing regulations,
3 and the resulting permit requires limitations that
4 are as demanding and in several cases much more
5 restrictive. At present, there is an absence of
6 environmental permitting certainty in Indiana.

7 From an economic development standpoint,
8 permit applications must be able to rely on the

9 well-defined application and issuance process when
10 considering Indiana for capital investment
11 projects.

12 The absence of such certainty is a detriment
13 to the economic development picture in Northwest
14 Indiana and the state of Indiana as a whole.

15 IDEM under commissioner Tom Easterly has
16 worked diligently to issue technically,
17 scientifically, and legally sound environmental
18 permits significantly reducing the historical
19 backlog of the administratively accepted NPDES
20 permits, and recognizing that this same review is
21 a forum for the U.S. Steel permit, the Northwest
22 Indiana Forum supports the issuance of this permit
23 by IDEM.

24 Thank you.

25 MS. CHUBB: My name is Deborah Chubb. I am
0074

1 the current president of Save the Dunes Council,
2 resident of Northwest Indiana all my life. And I
3 am an attorney by training but come to this
4 environmental field recently.

5 And I am here to request that EPA do some
6 serious rethinking of the process of this permit
7 issue. It is the most convoluted,
8 misrepresentative system in -- I have ever seen.
9 I know how to give a learning curve, but this is
10 impossible.

11 For someone to try to look up this permit
12 online and figure out what in the heck is being
13 dumped into the lake is impossible. We are very
14 lucky to have local, mostly volunteer people who
15 understand these microbiological issues and are
16 able to analyze them well. And that is really
17 just luck. I cannot imagine if we didn't have
18 these kind of groups around here to take on these
19 responsibilities to have any stewardship of this
20 lake at all.

21 And I -- you know, and I want to say that,
22 you know, your objection that the state needs to
23 correct discrepancies between the draft permit and
24 the accompanying document outlining
25 technology-based wastewater discharge limits is

0075
1 just a gross understatement.

2 It is just -- it is so convoluted and
3 impossible to figure out that it really begs the
4 question of whether or not this is really a public
5 process. And I would actually request you to
6 please do something about how this process works
7 so that the public really can participate in a
8 meaningful way.

9 MR. WILLIAMS: Good afternoon. My name is
10 Michael Williams, and I'm the general manager of
11 U.S. Steel Gary Works and its other Northwest
12 Indiana operations.

13 On behalf of my 7,000 coworkers, I thank you
14 for being here tonight to speak to you. Gary
15 Works is U.S. Steel's largest plant and the

16 largest steel-making facility in North America.
17 Since its inception in 1906, it has been central
18 to the economic vitality of Northwest Indiana.
19 Wages earned at Gary have allowed generations of
20 men and women to provide their families and
21 realize the American dream.
22 Enviromental stewardship is a core value at
23 U.S. Steel. And since 1970 when the Federal Clean
24 Air and Clean Water Act became law, we have
25 invested hundreds of millions of dollars in

0076

1 technology to meet increasingly strict
2 environmental requirements. Gary Works'
3 environmental performance is exceptional;
4 99.9 percent compliance with our current water
5 permit. A hundred percent is our goal.

6 Thousands of U.S. Steel families live in the
7 communities around our plant and breathe the air
8 and drink the water.

9 Gary Works' draft water permit was developed
10 in strict conformance with all water quality
11 criteria specific to the Great Lakes Basin and
12 seeks no increases in discharges. To the
13 contrary, the permit we are discussing today is
14 more stringent than the NPDES permit currently in
15 effect. The overall mass discharge measured in
16 pounds per day is less than currently allowed and
17 will result in a net discharge reduction.

18 The rules used to write the permit were
19 developed through a public process that conforms
20 to U.S. EPA Great Lakes Water Quality Initiative,
21 which includes some of the strictest water quality
22 requirements in the United States.

23 We are committed to full environmental
24 compliance. We will continue to work with IDEM in
25 their important mission to protect human health

0077

1 and the Lake Michigan aquatic environment. We
2 expect the conditions of the final permit to
3 further improve the quality in Lake Michigan and
4 the Grand Calumet River, a goal that we share with
5 this community.

6 Thank you.

7 MS. GADE: Number ten.

8 MS. QUANDT: Barbara Quandt, Q-u-a-n-d-t.

9 Once again -- I am now speaking on behalf of the
10 Indiana Manufacturers Association, and I am going
11 to read a document prepared by Patrick Bennett,
12 vice president of Energy and Infrastructure.

13 The Indiana Manufacturers Association
14 supports the issuance of the national pollutant
15 discharge elimination system permit, United States
16 Steel Corporation for the Gary Works. Permits
17 issued to industry are of critical importance to
18 the economy and environment in Indiana.

19 The Indiana Department of Enviromental
20 Management should be commended for its efforts in
21 recent years to reduce the backlog of NPDES
22 permits. The issuance of permits represents

23 progress for the economy and environment.
24 The permits, to say the least, are
25 complicated. And the amount of time invested by
0078
1 IDEM staff and permittee staff is significant.
2 The permits issued by IDEM under the auspices of
3 the Clean Water Act meet both the spirit and the
4 letter of the law.
5 It is the hope of the IMA that IDEM will
6 continue to issue quality permits and that our
7 membership will continue to utilize these permits
8 in the manner they are designed, allowing a
9 necessary manufacturing process that is protective
10 of the environment.
11 The use of permits is a sign of a vibrant
12 economy and also continuous improvement in
13 environmental protection. Unfortunately, in the
14 recent past, some have criticized IDEM and
15 permittees for the issuance of permits. The
16 criticism was in large part derived from
17 misinformation and questionable political motive.
18 As a result, the economy and environment suffer,
19 capital will likely be invested elsewhere, and
20 continuous environmental improvement permitting is
21 stifled because the new permits are not put in
22 place.
23 The environment and the economy would be
24 improved by the issuance of new permits. The IMA
25 encourages the EPA and IDEM to continue striving
0079
1 for improvement on these fronts by continuing to
2 work with permit holders in the issuance of these
3 vital permits.
4 Thank you.
5 MR. SCHEIDT: Good afternoon. My name is
6 Gary Scheidt, G-a-r-y, S-c-h-e-i-d-t. I represent
7 Praxair, an industrial gases company that supplies
8 a wide variety of customers with different gases
9 that help them improve their environmental
10 performance, reduce energy consumption, and
11 increase efficiency.
12 Examples include supplying oxygen to
13 hospitals, nitrogen for food freezing, carbon
14 dioxide for soda pop, and here in Indiana, oxygen
15 for steel mills which helps them reduce air
16 emissions. I am here today to voice my strong
17 support for issuing the permit for the Gary Works
18 facility.
19 Our company has worked with Gary Works for
20 more than 50 years, and our business and our
21 employees are dependent on a strong and thriving
22 facility at Gary Works.
23 The fact is Gary Works is a very large
24 manufacturing facility, and manufacturing
25 processes produce byproducts that go into the
0080
1 environment. I think we all agree, that if we
2 could produce things in this country that have
3 absolutely no impact on the environment, we'd all

4 support that. But that is not reality.
5 And so the question becomes, Can we produce
6 steel and others things in this region and
7 minimize the impact to the environment? I believe
8 we can. And I believe that Gary Works has
9 demonstrated this over the years.
10 If we look at the facts about manufacturing
11 in this country, it is getting cleaner and more
12 efficient every day. American ingenuity makes
13 that happen. Otherwise, our manufacturing base
14 won't survive.
15 Understand that Michigan is cleaner than it
16 has been at any point in time since the Industrial
17 Revolution, and thanks to local, state, and
18 federal initiatives as well as public and private
19 partnerships, it is getting cleaner.
20 U.S. Steel has advised that this permit will
21 ensure that Lake Michigan and its tributaries will
22 continue on the right path by following the strict
23 federal, state, and environmental laws and
24 regulations to protect our environment.
25 U.S. Steel has told me that this permit
0081 provides for lower discharges of certain
1 substances that previous permits do not replace
2 while still allowing Gary Works to remain
3 competitive.
4 I urge you to issue the permit. Thank you.
5 MS. GADE: Speaker number 12.
6 MS. LEWIS: Hello. My name is Karen Lewis,
7 and I'm a -- am a resident of Northwest Indiana.
8 And as a resident of Northwest Indiana, I live in
9 a toxic 20-mile-plus corridor which houses not
10 only two of the top polluters in the nation, one
11 of which is U.S. Steel, but also hundreds of
12 smaller ones.
13 Because of this, IDEM and the EPA should be
14 looking at the whole picture and be more vigilant
15 in its acceptance of pollution levels. The final
16 permit should be -- should require substantial
17 reduction in mercury, cyanide, chromium, oil,
18 grease, and other substances that are being dumped
19 into the Grand Calumet.
20 U.S. Steel has had years to undertake a
21 reduction in its pollution levels, but IDEM can be
22 counted on to give them another five-year
23 extension. For the sake of the health -- for the
24 sake of our health, our economy, and our quality
0082 of life, the people of Indiana have had enough.
1 Technology now exists to lower these
2 pollution levels, and we urge IDEM and the EPA to
3 hold U.S. Steel accountable.
4 Thank you.
5 MS. ELEUTERRO: My name is Susan Eleuterro,
6 E-l-e-u-t-e-r-r-o. I'm a resident of Highland,
7 and I want to thank you very much for having this
8 hearing today.
9 First of all, I want to say that those of us
10

11 that are concerned about the release of pollutants
12 into Lake Michigan and into our air and water are
13 not against the corporation. My father's a
14 retired DuPont executive, he's a chemist, and we
15 support the efforts of EPA to make it possible for
16 these corporations to operate in our region in a
17 safe and environmentally responsible way.

18 But I want to quote the Northwest Indiana
19 Post Tribune: Our pollution ranking is an
20 embarrassment. Indiana is 49th in the United
21 States for -- according to Forbes magazine, not
22 some tree hugging, quote, unquote, left winging,
23 environmentally crazy group, but a very
24 conservative, I would dare to say, organization.

25 Forbes, using a formula that combined air and
0083

1 water quality, hazardous waste management, carbon
2 footprints, emissions, and energy consumption
3 ranked Indiana 49th, only ahead of West Virginia
4 as the worst in the nation in terms of being a
5 nongreen state.

6 There is also a report in Forbes that linked
7 states that ranked low in environmental quality
8 with a low ranking in economic development. So,
9 it is not true that having a environmentally
10 unfriendly state means that you are friendly
11 towards environmental and economic development.
12 It means just the opposite.

13 I'd also urge you to consider the comments
14 that were submitted to you by L.E.A.F, especially
15 involving the Calumet River watershed, which I
16 happen to live down the street from.

17 Thank you.

18 MR. DAVIS: My name's Larry Davis, and I'd
19 like to thank you also for having this hearing
20 today. And I just want to say to everybody I
21 think this is great that we all can come here and
22 act civil, give a chance to everybody to have
23 their opinion. And whether you realize it or not,
24 we're all on the same side here. Maybe you don't
25 know that just yet, but we are.

0084

1 Okay. First off, I'd also like to point out,
2 like Kim did, that the Clean Water -- Federal
3 Water Pollution Control Act of 1972, better known
4 as the Clean Water Act, had in its first goal, the
5 national goal, that the discharges of pollutants
6 into the natural waterways be eliminated by 1985.

7 Now, obviously, after 30 years of industrial
8 lobbying at Congress and at the state house and in
9 the various agencies at the federal and state
10 level, we haven't gotten close to that. And here
11 we are in 2007.

12 I'm gonna submit some written comments,
13 because the other thing I want to say as a caveat
14 here, it is impossible and absolutely absurd to
15 try and comment in two minutes on a 110-page
16 permit. Especially one as technical as this. So,
17 I'm gonna have to skip over quite a few things

18 here.
19 First off, the provisions in the permit where
20 there's a report-only requirement does not
21 constitute an effluent limitation. There needs to
22 be a set number for every parameter.
23 Second -- secondly, the monitoring of the
24 pollutants. We don't know what's in there. Okay?
25 We haven't done adequate assessment.

0085

1 The tremendous amount of dilution that takes
2 place internally in those outfalls and elsewhere
3 within the plant, the mixing of various waste
4 streams, you guys have no idea whatsoever what the
5 actual pollutant loadings mass balance is coming
6 out of that plant.

7 Because oftentimes you're even down below
8 detection limits when you have that millions of
9 gallons of water diluting. What you need to do is
10 go and look at each individual process at the
11 point of generation and take a look at what is --
12 pollutants are present at various different
13 production levels, and then you'll have a good
14 idea of what to permit at the various outfalls.

15 Okay. Just a simple -- one fact that I
16 thought was quite interesting. If I was a Third
17 World country going to the World Bank and getting
18 a permit and a loan for the construction of a
19 steel mill, this permit doesn't even meet those
20 standards. The standards are less on this permit
21 than what a Third World country would require by
22 the Third World Bank to build a steel mill.

23 Okay.

24 MS. GADE: If you could finish up.

25 MR. DAVIS: Yes, I'm trying.

0086

1 MS. GADE: You could do one more comment.

2 MR. DAVIS: Okay. Well, the final comment is
3 that you -- it's been alluded to, this plant has
4 been a tremendous resource here for jobs and in
5 the economy of Northwest Indiana. And the bottom
6 line is, EPA has ability to force technology.
7 These companies are not doing it.

8 I work in the steel industry. I work for
9 ArcelorMittal. I work in the Burns Harbor plant.
10 And when their permit comes up, you're gonna hear
11 me saying the same thing. These companies are not
12 going forward with technology.

13 I'm gonna mention in particular direct iron
14 making, which has the potential to eliminate
15 80 percent of what we're talking about right here
16 today by eliminating the coke plant, the sinter
17 plant, and the blast furnace and making direct
18 iron.

19 In addition, you can clean up legacy waste.
20 Now, this is not some pie-in-the-sky theoretical
21 thing. Okay? This is being done around the
22 world. There's a company called Kobe Steel. They
23 have a subsidiary called Midrex. They have 60
24 plants built in 19 countries that are functioning

25 right now here today.

0087

1 If you don't see these plants built here in
2 Northwest Indiana, these jobs, especially on the
3 primary hot site of these mills, will disappear.

4 You're seeing landfills built, you're seeing
5 companies getting ready to leave their legacy of
6 pollutants here for the taxpayers to have to clean
7 up and deal with.

8 MS. GADE: I'm sorry. We're gonna have to
9 cut you off.

10 MR. DAVIS: Yeah, well, I'm sorry too.

11 MS. GADE: Thank you for your comments, and
12 we look forward to seeing your written comments.

13 Speaker 15.

14 MR. NOWACKI: Thank you. My name is Jim
15 Nowacki, N-o-w-a-c-k-i. I'm a resident of the
16 city of Gary and lived in the Miller area. And I
17 brought to the attention -- I've been to several
18 of these meetings concerning the various permit
19 processes. I've never quite understood them but
20 attend them to get more information.

21 But I did bring to the attention of the state
22 officials who showed up at one of the meetings
23 concerning a matter of the steel plant facility on
24 their extreme east end. They had constructed a
25 large cofferdam in 1961, I believe, and this was

0088

1 about two miles long, about a half a mile wide.
2 The top of the coffer dam is probably 10 or 15
3 feet above the lake level.

4 And when I first moved out here eight years
5 ago and up until about five years ago, the water
6 had been right to the top of that coffer dam. It
7 had been kind of a lime green, almost an anisette
8 green maybe, some green, mixes yellow and blue.

9 And one day as I'd been along the shore, I
10 noticed that the water was all gone out of that
11 cofferdam area. This is an area two miles long,
12 half a mile wide, 10, 15 feet high. And I had
13 trespassed on U.S. Steel property.

14 I've walked along the cofferdam, and I found
15 a whole section of the cofferdam had been neatly
16 removed. I brought it up to one of the -- at one
17 of the state hearings, and the person -- no one
18 knew anything about it.

19 But the U.S. Steel said that that had been an
20 accident in a storm that had washed out -- these
21 are 30-foot circular components of this thing.

22 And as a result of that, what U.S. Steel said
23 was some sort of accident or mistake -- I don't
24 know if this was a billion or a gazillion or a
25 trillion, but there was an awful lot of water that

0089

1 had been -- with no state approval, no state
2 permitting, no state monitoring -- had washed
3 directly into the lake.

4 I'm sure it was something that wasn't
5 supposed to be in the lake. But now that we've

6 got the EPA, maybe you can look into that, because
7 I don't think we were getting proper protection by
8 our state agency.
9 Thank you.
10 MS. GADE: Thank you very much.
11 We have four speakers left. I believe --
12 What number are you?
13 MR. GILL: Good afternoon members of the
14 panel and the public. My name is Kurt Ill, that's
15 K-u-r-t, last name is Ill, I-l-l. And I'm the
16 laboratory director for TestAmerica's Valparaiso,
17 Indiana laboratory, formerly Severn Trent Labs.
18 And our laboratory and personnel provide the
19 sampling and chemical analysis data in support of
20 the present U.S. Steel NPDES permit, as well as
21 groundwater monitoring and process monitoring
22 analysis as well, as long as -- as well as various
23 other cleanup initiatives that are going there.
24 And we've been providing this service for
25 over ten years. We just renewed, so we're on

0090

1 board for the next five years. And that we work
2 very close with the environmental people at U.S.
3 Steel and -- to ensure that they're in compliance
4 with their permits.
5 I mean, we generate the numbers, we do the
6 analysis, and we provide the data in the
7 milligrams per kilogram and outfalls and all that.
8 We know that the Gary Works has proven -- has
9 a proven compliance record, they're always at or
10 below the permit levels, and that they're meeting
11 or exceeding all these guidelines for the facility
12 that have been presented by IDEM.
13 The new permits will decrease the amount of
14 allowable discharge from the plant and help them
15 improve the local environment. We support the
16 Gary Works plant because we know they've done for
17 the region what they've done to be an
18 environmentally compliant company, and they should
19 continue to do so.
20 And we'd like to thank the Enviromental
21 Protection Agency and IDEM for their continued
22 support in keeping the Grand Calumet and Lake
23 Michigan clean.
24 Thank you.
25 MS. GADE: Thank you.

0091

1 Are there any speakers remaining who have
2 numbers? Yes. If you could step forward, please.
3 MS. FERRARO: I'm Kim Ferraro again. I spoke
4 earlier on behalf of a coalition of organizations.
5 I'm speaking personally myself this time.
6 I just want to clear up -- and I don't mean
7 to argue this point in a public forum like this,
8 but when we talk about misinformation which is
9 being bantered around or the public is
10 misconstruing something, this -- the information
11 that we have based our comments on, and myself
12 personally, is based on information available on

13 the EPA website, based on SEC reports by U.S.
14 Steel.
15 And when they claim that they are in a
16 hundred percent compliance, that just simply isn't
17 true. Actually, I think they just claim they're
18 at 99 percent in compliance and their goal is to
19 be a hundred percent.
20 IDEM records from 2002 to 2005 indicate --
21 and I know that you guys know this already, but I
22 just -- you know, if we're gonna talk about
23 misinformation, then let's have the correct
24 information.
25 2002 to 2005 records from IDEM indicate that
0092
1 U.S. Steel committed numerous violations of its
2 NPDES permit, including exceeding effluent limits
3 for ammonia, cyanide, C-BOD, phenol, chromium,
4 suspended solids; failing to continuously monitor
5 the instream temperature of the Grand Calumet
6 River at Broadway;
7 Failing to use proper land use practices in
8 the vicinity of its westside landfill and east
9 lake area which resulted in the discharge of
10 debris, oil, and scum into the surrounding surface
11 waters;
12 Discharging diesel fuel, motor oil, and
13 contaminated wastewater into the Grand Calumet in
14 quantities sufficient to create visible oil sheen;
15 causing hundreds of thousands of gallons of
16 processed waters to spill and enter nearby clean
17 water sources. I could go on and on.
18 But I don't think that we really want to have
19 misinformation. We want the right information.
20 So, let's make sure that people are aware of that.
21 MR. BARTER: My name is Jim Barter,
22 (phonetic). I grew up here. I grew up 500 feet
23 from this lake, my Lake Michigan, your Lake
24 Michigan. I worked in U.S. Steel, my two brothers
25 worked at U.S. Steel. I worked at LTV Steel.
0093
1 I don't want to see the steel industry die.
2 But will you guys and you guys please put a
3 long-range plan together and start squeezing a
4 little bit more and keep that lake cleaner as life
5 goes on?
6 That's all I wanted to say. Thank you.
7 THE COURT: Thank you very much.
8 I believe that's everyone who has signed up
9 to speak, and we have reached five o'clock or
10 almost, so we're gonna take an hour off for
11 dinner. We will be back at six o'clock. If you'd
12 like to speak, there's another opportunity to do
13 so.
14 I want to thank all of our speakers. They
15 were excellent presentations.
16 (One-hour recess taken.)
17 (Hearing resumed at 6:01 p.m.)
18 MS. GADE: Well, good evening, and welcome.
19 This is the hearing on EPA's objection to a draft

20 State of Indiana permit that will control
21 wastewater discharges from U.S. Steel's Gary
22 Works.
23 My name is Mary Gade. I'm the regional
24 administrator for the United States Environmental
25 Protection Agency's Region 5 office located in
0094
1 Chicago, and I am presiding over this hearing that
2 we are holding today.
3 Joining me today are a panel of Region 5
4 senior managers. We have Tinka Hyde, Peter
5 Swenson of the water division, Dave Cowgill from
6 our Great Lakes National Program office, Rett
7 Nelson from our Office of Regional Council, and
8 Ralph Dollhopf from our Office of Superfund. I'm
9 also being assisted today in running this hearing
10 by Denise Gawlinski who's sitting -- seated down
11 there.
12 And I want to say to all of you thank you
13 very much for coming out tonight. I know the
14 weather's really vile, and I'm concerned about ice
15 and road conditions and everyone getting home
16 safe. So, we will try and run the hearing as
17 expeditiously as practicable, but we're also gonna
18 try and make sure we have an opportunity to hear
19 from all of you, anyone who wants to speak this
20 evening.
21 We're pleased to have this opportunity to
22 listen to your comments on our objections to the
23 draft permit. We shared those objections with the
24 State of Indiana in two letters we sent to them
25 this last October. And for any of those -- for
0095
1 any of you who would like those letters, they're
2 located on the table outside where you signed in
3 as you walked into the room.
4 We'd also this evening like to hear your
5 comments on other issues related to the permit,
6 including parts of the permit that EPA itself did
7 not object to.
8 We're accepting comments during this public
9 participation process through December 28th, and
10 if you'd like to submit comments after the close
11 of today's hearing, talk to any of the EPA members
12 who are throughout the audience and at the table
13 outside, and they'll give you instructions about
14 you can submit them in writing, by e-mail, or fax.
15 So, we look forward to hearing from you throughout
16 this month until December 28th.
17 The hearing we're holding today is in
18 accordance with regulations that were promulgated
19 under the Federal Clean Water Act. As part of
20 that, the proceedings are being recorded and will
21 be transcribed. The point of this hearing,
22 frankly, is to hear from you, to hear your
23 comments for us to consider as we look at this
24 permit and as we share those comments with the
25 State of Indiana. .
0096

1 Consequently, we don't intend to really
2 engage in answering questions or comments that you
3 might make today. We will do that at a later
4 time.

5 Once the comment period is closed
6 December 28th, we will go individually through the
7 comments we've received throughout the process,
8 prepare responses to them, and write up something
9 called a "responsiveness summary." This will be
10 put on the EPA website for anybody to access.

11 At the same time, for this process, we'll be
12 sending a letter to the Indiana Department of
13 Environmental Management in which we will express
14 to them, based on the public comments we've
15 received, whether we're changing our objections,
16 we're revising them, amending them, whether we're
17 withdrawing them, or we're standing by the
18 objections we raised in October and potentially
19 adding new objections based on the things we've
20 heard throughout the hearing process.

21 Once Indiana gets that letter, under the law
22 they have 30 days to submit to us a revised permit
23 that addresses the objections we've raised. If
24 they fail to do that, EPA itself will be
25 responsible for issuing the permit for U.S. Steel.

0097

1 What I'd like to do now is just walk through
2 some of the ground rules for this evening's
3 hearing. As I said, it's important to us that
4 anybody who wants to speak this evening has an
5 opportunity to do so. If you haven't yet signed
6 up to speak this evening, I ask that you go out of
7 the room to the table outside, sign up and get a
8 number, and we'll take people in the order in
9 which they've spoken.

10 This afternoon we were privileged to have
11 representatives from the Indiana Department of
12 Environmental Management here. Bruno Pigott, the
13 assistant commissioner for the Office of Water,
14 spoke, but due to the bad weather, they have had
15 to leave and they are heading back to Indiana.

16 But they have asked to continue talking with
17 us about what's happening with this permit and the
18 changes that Indiana and the company need to make
19 to have it be a valid permit. .

20 What we're going to do is ask that elected
21 officials and their representatives speak first.
22 This afternoon we had a whole series of
23 nongovernment organizations who had requested the
24 hearing, who also wanted to speak today. So, we
25 heard from 12 different organizations. From the

0098

1 Sierra Club to the League of Women Voters to the
2 Indiana Manufacturing Council, et cetera, spoke
3 this afternoon.

4 When we call you up to the speaker -- the
5 microphone to speak, we ask that you limit your
6 comments to two minutes. That will make sure that
7 everybody can be heard, and we'll make sure that

8 everybody has a fair opportunity to do this. The
9 hearing will conclude this evening at 8:30.
10 Before I begin, though, I'd like to give you
11 a little bit of a background about U.S. Steel's
12 Gary Works, the Clean Water Act, and EPA's
13 objections to the permit.
14 As many of you probably know, the Gary Works
15 is the largest, fully integrated steel mill in
16 North America, and it can produce more than
17 eight million tons of raw steel a year. It's also
18 a producer of iron, coke, and sinter.
19 And to make these products, U.S. Steel has to
20 rely on six million gallons of water that it draws
21 from Lake Michigan each day. In return, it
22 discharges stormwater at about 525 million gallons
23 of water back into the Grand Calumet River,
24 Stockton Pond and Lake Michigan every day.
25 The Clean Water Act -- the Federal Clean
0099
1 Water Act requires facilities that discharge
2 wastewater have to get a permit from the state.
3 The name for these permits is the National
4 Pollution Discharge Elimination Permit, or known
5 by its acronym, N-P-D-E-S.
6 Congress wrote the Clean Water Act to make
7 sure that state governments had the lead role in
8 issuing these wastewater permits within their
9 borders. And in 1975, U.S. EPA authorized the
10 State of Indiana to run the NPDES permit program
11 for it. As a result, in Indiana, the Indiana
12 Department of Environmental Management is the
13 entity responsible for issuing wastewater permits.
14 Under the laws, it said EPA can object to state
15 permits when we believe that they don't meet the
16 requirements of the Clean Water Act. The law
17 provides that a state cannot issue a permit that
18 has EPA objections without first resolving the
19 EPA's objections.
20 IDEM accepted comments on their draft permit
21 for the Gary Works from July through September
22 this year and held public meetings in both August
23 and September. EPA reviewed the draft permit and
24 told the Indiana Department of Environmental
25 Management that we have five objections to the
0100
1 permit. And let me briefly run through these.
2 First, the draft permit allows from one to
3 five years for U.S. Steel to comply with the
4 various permit requirements. Under the law, to
5 have this kind of compliance schedule or
6 extension, there has to be a demonstration that
7 this is as fast as the company can practicably
8 do -- come into compliance. The state has not yet
9 shown that the schedules require -- that these
10 schedules require this much time. And so such a
11 demonstration needs to be made.
12 Second, the draft permit does not contain
13 limits for some pollutants that could violate
14 state water quality standards.

15 Third, it allows U.S. Steel to increase
16 discharges of certain pollutants and establishes
17 new limitations for other pollutants. We contend
18 that Indiana has not yet demonstrated why these
19 increases are appropriate under the state's
20 antidegradation requirements. And generally
21 speaking, antidegradation requirements prevent
22 increased discharge of pollutants unless such
23 increases are necessary for important economic or
24 social development.

25 Fourth, we said the permit does not impose
0101

1 limits on U.S. Steel's cooling water intake
2 structure that would minimize any harmful
3 environmental impact.

4 And finally, we've said that IDEM needs to
5 correct discrepancies between the draft permit and
6 accompanying document called the "permit fact
7 sheet" that outlines technology-based wastewater
8 discharge limits.

9 My understanding is that 10 people --

10 MS. GAWLINSKI: I think it's 12 now.

11 MS. GADE: Twelve. I'm sorry.

12 -- that 12 people have signed up to speak
13 this evening. Again, based on this number, I'm
14 gonna ask you to limit your comments to two
15 minutes. If you have a written copy of your
16 comments with you, we would really very much
17 appreciate receiving it. You can either hand it
18 to Denise here in the front or the people at the
19 back table outside the room.

20 And then finally, on behalf of U.S. EPA,
21 thank you very much for your participation. This
22 is an important hearing, this is an important
23 permit, and we really value your input on it.

24 With that, I'm gonna ask Mark Lopez, who's
25 the representative for Congressman Pete Visclosky,

0102

1 to come up and make a comment.

2 MR. LOPEZ: Thank you, Commissioner Gade.

3 I would like to read a prepared statement on
4 behalf of Congressman Pete Visclosky. To begin
5 with, the congressman would like to thank the
6 Environmental Protection Agency Region 5 for
7 holding a public hearing in Northwest Indiana on
8 the very important issue of U.S. Steel Gary Works
9 national pollutant discharge elimination system
10 permit.

11 The congressman would also like to thank the
12 Indiana Department of Environmental Management for
13 attending the earlier hearing and Indiana
14 University Northwest for providing this valuable
15 forum.

16 Continuing improvement in the form of water
17 in the Great Lakes Basin is in the interest of
18 everyone in Northwest Indiana, the surrounding
19 states, the nation, and the planet.

20 Given the importance of clean water in our
21 collective quality of life, the congressman

22 believes elected officials, policy makers, and
23 industry must work together to strengthen our
24 sources of clean water.

25 The congressman commends the current efforts
0103

1 of EPA and the IDEM to develop U.S. Steel
2 Corporation's NPDES permit.

3 The congressman would also like to thank the
4 environmental community in Northwest Indiana for
5 their diligent work to ensure that this permitting
6 process is conducted in a public and transparent
7 fashion and to insure that the citizenry of
8 Northwest Indiana has the opportunity to be a part
9 of this permitting process through today's public
10 hearing.

11 The issue of water quality has been at the
12 forefront of public discourse in Northwest
13 Indiana, as it should be.

14 Given the importance of this issue, the
15 congressman urged EPA to hold today's hearing in
16 Northwest Indiana to explain the reasoning for her
17 concern with the draft permit and the steps by
18 which it will work with IDEM on the revisions to
19 ensure the draft permit complies or exceeds the
20 clean water standards and the Clean Water Act and
21 EPA regulations.

22 It is important that EPA and IDEM work
23 closely with U.S. Steel to ensure the permit
24 reflects federal and state discharge limits which
25 will allow the company to be more competitive as
0104

1 it updates its facilities while doing everything
2 possible to improve the quality of our waterways.

3 Water quality transcends many of the most
4 important issues our nation faces. It is a health
5 issue, it is an environmental issue, it is an
6 economic development issue, and it affects
7 everyone's quality of life.

8 It is the congressman's hope that today's
9 public hearing will provide an opportunity for all
10 parties to work together to successfully resolve
11 the permitting issue in a way that protects our
12 water resources and in a way that will allow
13 private industry along the south shore of Lake
14 Michigan to profitably operate and support the
15 7,000 United Steel workers that work at U.S. Steel
16 in an improved environmental fashion.

17 Again, thank you for this opportunity.

18 MS. GADE: Thank you very much, Mark. And
19 now we're going to hear from the Hoosier
20 Environmental Council, Tim Maloney.

21 MR. MALONEY: Thank you, Administrator Gade
22 and members of the EPA. We want to express our
23 appreciation for the EPA holding this public
24 hearing and your scrutiny of the U.S. Steel
25 permit.

0105
1 My name's Tim Maloney. I'm representing the
2 Hoosier Environmental Council. Our members

3 stretch from Lake Michigan to the shores of the
4 Ohio River, and all of them care a great deal
5 about the health and well-being of Lake Michigan
6 and the Great Lakes and the communities in the
7 basin.

8 These comments are intended to supplement the
9 letter and comments made by the Legal
10 Environmental Aid Foundation of Indiana on our
11 behalf and behalf of other organizations.

12 And as noted in those comments, the Hoosier
13 Environmental Council supports EPA's comments and
14 objections to the U.S. Steel draft wastewater
15 discharge permit and requests that EPA modify its
16 objections as the letter describes.

17 My comments address more broadly the need for
18 U.S. EPA and the Great Lakes states, including
19 Indiana, to fully and thoroughly consider and
20 include in permitting decisions the cumulative
21 effects of all pollution entering the lakes from
22 air, land, and water.

23 Much progress has been made in reducing
24 pollution to Lake Michigan and the other Great
25 Lakes, and substantial public and private funds

0106
1 are being invested in restoring these lakes.
2 However, as many sources show, there are still
3 considerable pollution affecting the Great Lakes
4 Basin.

5 And in the case of Lake Michigan in
6 particular, no thorough assessment or database
7 exists of just how much pollution is allowed to be
8 discharged to the lake or is actually being
9 discharged to the lake and how each individual
10 discharge relates to this total loading.

11 Without this information, it is difficult for
12 the public, the regulatory agencies, and the
13 regulated interest to know what effect this
14 pollution is having on the lakes, the people who
15 live nearby and drink the water, and the fish and
16 other aquatic life which inhabit the lake and the
17 tributaries.

18 The U.S. Steel permit is an example of
19 considering pollution discharges in isolation.
20 There is little consideration of existing loading
21 to Lake Michigan, existing concentrations of
22 pollutants, nor meaningful comparison of current
23 discharges to future discharges.

24 What are some of the environmental stresses
25 occurring to the lake and the levels of toxics in

0107
1 the surrounding environment? EPA's 2005 toxic
2 release inventory data confirmed that Indiana is a
3 major toxics discharger, first nationally in
4 surface water discharges, and fifth overall in
5 toxic releases to air, land, and water.

6 Over 27 million pounds of toxics were
7 released to surface waters in Indiana in 2005. In
8 Lake County, Indiana, nearly 1.9 million pounds of
9 toxics were released to waterways that same year.

10 U.S. Steel contributes 93 percent of the
11 total toxic discharges to surface waters from Lake
12 County sources. Our neighbors in the Lake
13 Michigan Basin release another 15.3
14 million pounds of toxics a year to surface waters
15 in their states, 8.6 million pounds in Illinois,
16 6 million pounds in Wisconsin, and 700,000 pounds
17 a year in Michigan.

18 Indiana's power plants released the fourth
19 highest level nationally of mercury pollution to
20 the atmosphere, contributing to the substantial
21 amount of airborne mercury reaching our lakes and
22 streams.

23 One result of these pollution discharges is
24 the thousands of miles of Indiana waterways are
25 designated as -- as impaired, meaning pollution

0108

1 exceeds the water quality standards established to
2 protect human health and aquatic life. Indiana's
3 Great Lakes water suffer impairments for bacteria,
4 mercury, PCBs, and impaired biotic communities.

5 Because of this pollution, none of Indiana's
6 Great Lakes shoreline miles fully support fish
7 consumption, according to the Indiana Department
8 of Environmental Management. Across Indiana,
9 82 percent of Indiana's stream miles assessed
10 support aquatic life, but only 32 percent support
11 full-contact recreation such as swimming.

12 To achieve a level of permitting review that
13 truly protects America's Great Lakes and enhances
14 the efforts of the many individuals,
15 organizations, and government officials who are
16 working to restore Lake Michigan and the other
17 Great Lakes, U.S. EPA and the state should
18 implement a thorough, cumulative impact review
19 process as part of these water discharge permit
20 decisions.

21 I would also like to quickly call your
22 attention to some of the recommendations from
23 Professor James Barnes who reviewed the BP
24 permitting process on behalf of the State of
25 Indiana.

0109

1 And whatever we may feel about the -- that
2 entire endeavor, Professor Barnes does make a
3 number of good recommendations about the entire
4 water permitting process. And just encourage EPA
5 to take a look at those recommendations as well.

6 So, thank you for this opportunity.

7 MS. GADE: Thank you very much.

8 Now we'd like to turn the program -- the
9 hearing over to the public. If you have a number,
10 number one. And then what I'd like to do just to
11 make this go smoothly, if you're number two, if
12 you could come up and stand behind her -- the
13 other mike so we can run through this fairly
14 smoothly and just doing that as we go up the
15 numbers.

16 MR. FAITH: Good evening. My name is Vince

17 Faith. I am the steel industry manager for
18 ChemTreat, Incorporated, and I've been involved in
19 Gary Works for the past 20 years plus, and I've
20 lived in the Chicago area for most of my life.

21 My company is involved in treating water for
22 performance and environmental needs for Gary Works
23 as well as many other industrial customers within
24 the area. We work closely with Gary Works to
25 ensure water quality standards are met, make

0110

1 continuous improvement, goals developed and
2 implemented. Every day, the heartbeat in the
3 plant is safety and environmental first; then
4 production. And we're quite proud of that.

5 Gary Works' compliance records over the past
6 permit have been 99.9 percent and demonstrates the
7 plant's stellar environmental stewardship.

8 I am proud of the proactive attitude and
9 commitment U.S. Steel takes and implements in
10 order to protect the environment and ensure
11 compliance with water standards.

12 During the past 25 years, I have watched as
13 many Northwest Indiana and South Chicago mills
14 have been devastated and closed. The remaining
15 mills continue to do business under their strong
16 commitment to their customers, to the community,
17 and to the environment in which they operate.

18 U.S. Steel Gary Works is one of the leading
19 customers -- companies we must continue to count
20 on for our region's continued success at all
21 levels.

22 The new permit draft will continue to
23 challenge Gary Works to invest in the environment
24 by more closely guarded Grand Calumet River and
25 Lake Michigan. Simply stated, passing the new

0111

1 permit will allow everyone to win.

2 I am confident U.S. Steel is committed to
3 meeting and exceeding the new permit as they have
4 in the past. We need this mill for the viability
5 of the region, and I support this permit and hope
6 that the EPA, IDEM, and the community will as
7 well.

8 Thank you very much.

9 MS. GADE: Speaker number two.

10 MR. COLOGNE: Hi. My name is Will Cologne,
11 and I represent a company called KM Plant
12 Services. KM Plant Services employ around 500
13 employees who work and live in Northwest Indiana.

14 KM Plant Services provides industrial
15 cleaning, vacuuming, high-pressure water blasting,
16 and sewer cleaning to the Gary Works facility. We
17 have been working for Gary for over 30 years.

18 I appreciate the opportunity to speak here
19 today and to show my support for the Gary Works
20 discharge permit.

21 As a vendor of Gary Works, I know personally
22 the importance of this facility, not only to my
23 business but also to the entire region. I also

24 want to thank the U.S. EPA and the Indiana
25 Department of Environmental Management for
0112
1 ensuring that this permit will protect Lake
2 Michigan and the Grand Calumet River.
3 Those of us who live in the region appreciate
4 U.S. Steel's commitment to the Gary Works as a
5 viable and competitive steel-producing facility.
6 Gary Works has been here a long time, more than a
7 hundred years.
8 And U.S. Steel has demonstrated its
9 commitment to environmental stewardship by
10 investing hundreds of millions of dollars in its
11 facilities to upgrade environmental controls to
12 minimize the impact to our water, air, and land.
13 Our nation's ability to produce steel is
14 vitally important for our economy and our defense.
15 Our country must be able to provide steel to our
16 manufacturers. Otherwise, we'll become captive to
17 steel from China and other countries that don't
18 trade fairly with the United States.
19 Many of the opponents of Gary Works believe
20 that there cannot be a balance between
21 manufacturing and protecting the environment.
22 They would rather see Gary Works shut its doors.
23 I believe that we can have a strong manufacturing
24 base in this region and still protect the
25 environment. And this permit will allow that to
0113
1 continue.
2 As someone whose livelihood and the
3 livelihood of our employees relies on the strong,
4 competitive, and productive Gary Works, I urge EPA
5 and IDEM to issue this permit.
6 Thank you.
7 MS. GADE: Speaker number three.
8 MR. CONNORS: Actually, I'm number 400, but
9 there you go.
10 Charles W. Connors, C-o-n-n-o-r-s. I also
11 appreciate the opportunity to show my support for
12 the Gary Works discharge permit. I'm the founder,
13 chairman, and chief executive of Magneco/Metrel,
14 Inc., an innovative refractory manufacturer
15 dedicated to the conservation of energy.
16 We have over sixty million dollars in annual
17 sales and approximately 150 employees. For the
18 last 25 years, many of those energy-saving
19 innovations have been perfected at Gary Works and
20 are still in use there today.
21 I also want to thank the U.S. EPA and Indiana
22 Department of Environmental Management for
23 ensuring that we will protect Lake Michigan and
24 the Grand Calumet River.
25 My wife and I, our four children, and our six
0114
1 grandchildren have grown up and are growing up
2 swimming in Lake Michigan. And we intend to
3 continue to do that.
4 Those of us who live in the region appreciate

5 U.S. Steel's commitment and the millions of
6 dollars that they've spent in the last 50 years,
7 that I've been familiar with. And there's been a
8 lot of improvements.
9 We believe that there can be a strong
10 manufacturing base in the region and still protect
11 the environment and still have a lake to swim in.
12 And as someone whose livelihood and the
13 livelihood of my 150 employees and suppliers, the
14 suppliers' employees, depend heavily upon Gary
15 Works, the loss of Gary Works would be a
16 devastating blow to my company and the many
17 employees and suppliers and the region and the
18 manufacturing base of the United States.
19 Thank you.
20 MR. JAMS: Hello. My name is Ian Jams.
21 And -- Well, to start, I don't have anything
22 written up. I'm just going to wing this a little
23 bit.
24 Thank you everyone for attending. Thank you
25 EPA, the IDEM, all the environmental organizations
0115
1 that are here. It's just a blast to see this.
2 Well, why am I here? Well, I hear a lot of people
3 supporting this permit. And as I mentioned, I
4 support it. But it's all many different levels,
5 from -- not just environment but economical as
6 well, and most of these requests are both. It
7 just goes to show you how not just water -- how
8 that influences everything, but just how
9 everything really is connected and all that.
10 But I'm not up here to preach. I'm up here
11 actually to talk about a solution.
12 I don't know if it was mentioned this evening
13 or if anyone is aware of this, but there's this
14 wonderful technology called EM technology. And
15 it's a group of friendly nonpathogenic, nontoxic
16 microorganisms that can be incorporated into
17 existing technologies to perform -- that will
18 solve many of the problems that we have with heavy
19 metal poisoning.
20 I know that there's thermal discharge. I
21 don't know if EM will help with that. But, you
22 know, it's great for bioremediation, wastewater
23 treatment. I mean, this stuff's amazing. You
24 could fire it into ceramics and en-powder the
25 ceramics, put into paint, prevent the offgassing,
0116
1 put it into cement to increase its tensile
2 strength. And, I mean, you can drink it.
3 It's -- it's -- it's an answer to -- everyone
4 can win with this. It's not a -- a very expensive
5 technology. The creator, Dr. Teruo Higa, in this
6 book, Our Future Reborn, he talks about his help
7 with North Korea, with places -- successes all
8 over the world. You can go to emamerica.com to
9 learn more, or you can contact Eric Lancaster,
10 that's Eric.L-a-n-c-a-s-t-e-r, at emamerica.com.
11 Thank you very much.

12 MS. GADE: Thank you.

13 Our next speaker.

14 MR. NOSBISCH: Hello. My name is Tim
15 Nosbisch (phonetic). I'm employed by North
16 American Refractory, which is a division of
17 ANH Refractory. We've been doing business with
18 Gary Works for well over 50 years.

19 Currently we supply refractories and
20 refractory service and installation to the
21 company. They use our products in their
22 high-temperature vessels, like the blast furnaces,
23 torpedo ladles, the iron ladles, mixers, the BOF
24 lining, steel ladles, casters.

25 This community relies on Gary Works to keep

0117

1 their economy strong. It provides a sound base
2 for the region. In addition to our company, they
3 supply business to several other suppliers in the
4 area and service providers, allowing them to
5 thrive also.

6 The economy here at Gary would fail without
7 the support of Gary Works. We do more than
8 \$22 million worth of business at Gary Works every
9 year. Their business helps keep 80 people in my
10 plant supply food on the table for their families.
11 We firmly believe that Gary Works has the best
12 interest of this community in mind.

13 I know that they have strived every day to
14 become more efficient and environmentally
15 conscious. They have been compliant with the
16 previous guidelines and out of the permit issued
17 in 1994 and have operated here for many years
18 without a major environmental incident.

19 This new permit is more stringent than the
20 discharges for the Grand Calumet River and Lake
21 Michigan. I support this new permit and hope the
22 EPA and IDEM does also.

23 Thank you.

24 MS. GADE: Thank you very much.

25 Our next speaker.

0118

1 MR. CREIGHTON: My name's John Creighton.
2 I'm from Chesterton, just down the lake shore.

3 After hearing the session this afternoon, I'm
4 concerned about an issue that I hope the EPA can
5 help all of us with, and that is that there has
6 become this kind of dichotomy that I hear today.

7 And if you were keeping score and listening
8 to the speakers, you heard about 10 or 12 people
9 this afternoon who were -- who expressed
10 reservations about the permit. And you heard --
11 and they -- we can call these environmentalists.
12 Many of them were involved in environmental
13 organizations.

14 Then we heard another 10 or 12 people who we
15 can characterize as the economic growth or the
16 business people. And they all thought that U.S.
17 Steel was doing just fine and should get a pass
18 for five years to get their act together, they're

19 a great company and so forth.
20 So, we have this -- this ying and yang,
21 pulling, pushing between two groups. And I'm sure
22 you'll notice that and feel it as you hear people
23 talk. But I think this is a false dichotomy, it's
24 a false that -- it's poorly framed, it's
25 misinformed, it's potentially dangerous, and it's
0119 wrong.
1 Time flies too.
2 You've heard that Indiana's one of the
3 dirtiest states in the United States, right down
4 at the bottom of the list. We -- clearly we need
5 policies, laws, and enforcements that not just
6 hold things the way they are. We would like to
7 move up to 45th maybe, or 40th. That would be
8 nice.
9 But we have a commissioner of IDEM who's --
10 who has -- on the record as saying words to the
11 effect -- may not be exact but pretty close --
12 IDEM is going to be an engine of economic
13 development. And what that translates into would
14 be okay if it worked out the way it might. But it
15 translates into a laissez-faire attitude towards
16 putting -- toward polluting industries.
17 We heard the union people who are very
18 concerned about their jobs, and this I think is a
19 terrible thing, because their jobs are not at
20 stake with this permit process. Not at all. I
21 don't know where that information is coming from,
22 but there's no -- no way that this permitting
23 process is gonna get away -- get in the way of
24 their jobs. Other economic factors might.
0120 But to finish off, I hope you will consider
1 it part of your charge to educate the public,
2 educate workers, educate everybody in this area
3 about not just -- so we're not just talking about
4 permits and licenses and restrictions on
5 companies, but also the economic benefits of
6 cleaning up the environment.
7 Thank you.
8 MS. GADE: Thank you very much.
9 Our next speaker.
10 MR. EATON: I'm Thomas Eaton. I'm a resident
11 of Gary, and I'm involved in various community
12 organizations in my city and in the region. I'm
13 speaking as a nonexpert, and so I have no
14 technical comments that I care to make.
15 I would like first of all to commend you
16 people from the EPA for doing your job and looking
17 critically at the proposed permit from the Indiana
18 Environmental Management people. Evidently there
19 are reasons why this criticism is needed, and I
20 encourage you to persist in getting changes that
21 will enable the permit when issued to meet the
22 requirements of the national laws and the state
23 laws.
24 I only want to point out a couple things.
25

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1 First of all, it's a long time since the permit
2 we're replacing was issued. And therefore, there
3 have been many years of opportunity for
4 improvement in water quality and reduction of
5 pollutants emitted into the water. I would expect
6 these improvements to be reflected in any new
7 permit that's issued. It should have standards
8 that are better, not poorer, than 13 years ago.

9 Secondly, along the same vein, your
10 criticisms include questioning the amount of time
11 given for meeting standards in various areas, and
12 this is -- these standards have not just arrived
13 and this is not the first time these subjects have
14 been discussed.

15 U.S. Steel has had 13 years to think about
16 how to meet these standards, and we should be --
17 you know, we should be strict with them allowing
18 more time for required improvements.

19 The only final thing is that I'm sure you
20 hear from a lot of experts on all these subjects,
21 and I just want to point out that there are many
22 people like myself who are very concerned about
23 water quality but are not experts and who stand
24 behind those who are critical of our industries
25 who are polluting and who are concerned about

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1 making progress to eliminate the pollution.

2 Thank you.

3 MR. COLEMAN: Hello. My name is Mark
4 Coleman. I live in Ogden Dunes, 9 Otis Place.

5 I'm very grateful that you guys called the
6 State of Indiana on this permit. It's long
7 overdue to have some intense scrutiny on the
8 environmental policies in Northwest Indiana. The
9 entire coastline is pretty much subjected to
10 extensive pollution, and it needs to be addressed.
11 It's not happening within the state.

12 If the story wouldn't have broke about BP, it
13 wouldn't have broken out of our state, and U.S.
14 Steel's mighty might would have kept the hush on
15 everything that's going on. And BP's, you know,
16 power would have kept everything, you know, quiet
17 and hush-hush.

18 But fortunately that got broke through to
19 other states, the nation, the world, and that's I
20 think why you're here today, and I'm grateful for
21 it, and I hope you really scrutinize this permit
22 very much, because I live less than 10 miles away
23 and I see on a daily basis what they do to the
24 air. There's a dome of brown air that hangs over
25 for -- ever day basically.

0123

1 And when they talk about economic and social
2 development as their primary reason for wanting to
3 put more pollution into our lake and air, I just
4 have to say, you know, take a drive through Gary
5 and tell me where's the economic and social
6 development.

7 Thank you.

8 MS. GADE: Thank you very much.

9 My name is Mark Tomastewski. I've been a
10 resident of this community for 75 years and 5
11 months. I worked at U.S. Steel for 46 years 7
12 months and 23 days.

13 And in 1966 when the 84-inch hot strip began
14 operations, the 84-inch hot strip filtrating
15 plant, we had our governor, lieutenant governor,
16 state representatives come in, and union
17 officials. We drank that water out of that
18 filtration pipe, and I'm still living today. I
19 have no problem.

20 They're a good employer. They've been in
21 this community for over a hundred years. In 1896,
22 my grandfather was 16 years old, and he was helped
23 (sic) building the slip at U.S. Steel. Hundreds
24 of thousands of jobs came to this community.
25 Gary, the Calumet Region, Lake County, would not

0124

1 be a community if it wouldn't have been for U.S.
2 Steel and Andrew Carnegie.

3 These environmental groups should get off
4 their posture, go out there and see and go out to
5 Lake Michigan that I go every summer when we go on
6 a boat. And we see the water; it's clear.
7 Whoever comes across and talkin' about all this
8 pollution in the waterways, I take issue with 'em,
9 because it's not so.

10 They're a good employer, and they monitor
11 every six hours, taking samples out of the river
12 off of Second Avenue, Buchanan Street, take it to
13 the chemical lab, testing it and sending it and
14 testing it some more and recording it.

15 The record speaks for themselves. They're a
16 good employer. They got 6,518 employees as of
17 this morning. You want to close that plant down,
18 close it down and find out what happens to
19 Indiana, what happens to Lake County, and the rest
20 of the people could starve.

21 Thank you.

22 MR. GORMAN: Good evening. My name is
23 Patrick Gorman, and I'm a facilitator for the
24 Indiana Steel Environmental Group.

25 The Indiana Steel Environmental Group is a

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1 coalition of Indiana steel companies that is
2 established and focused on environmental
3 management of concern to its members. Our
4 membership consists of ArcelorMittal USA,
5 ArcelorMittal Indiana Harbor, United States Steel
6 Gary Works, United States Steel Midwest plant,
7 ArcelorMittal Burns Harbor, and Newport Steel
8 Crawfordsville.

9 Together, these facilities operate facilities
10 in Indiana that produce over 18 million tons of
11 steel and directly employ over 10,000 people. In
12 addition, it is estimated that an additional one
13 hundred thousand people are employed by other

14 firms that provide services to these facilities.
15 Consequently, these facilities provide a
16 significant contribution to both the state and
17 national economy.

18 These companies operate facilities that
19 require NPDES discharge permits or industrial
20 pretreatment discharge permits. For years Indiana
21 has not reissued NPDES discharge permits for major
22 industries when they're expired. As a result,
23 Indiana has had a large number of expired NPDES
24 permits that were administratively extended.

25 Over the past two years, the Indiana

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1 Department of Environmental Management has worked
2 to reduce the number of administratively extended
3 permits in Indiana from a backlog of 263 permits
4 all the way down to 33.

5 The Indiana Steel Environmental Group
6 strongly supports Indiana's goal to reduce the
7 backlog of these expired permits that have been
8 administratively extended. Furthermore, we
9 strongly believe that the NPDES permitting process
10 should be carried out in full accordance with the
11 established provisions contained in the Clean
12 Water Act and Indiana's administrative code, not
13 more or less.

14 The Clean Water Act provides the established
15 framework for issuing permits that has been
16 incorporated within Indiana's administrative code
17 through significant public review, comment, and
18 EPA's final approval that this code contains at
19 least all the required elements mandated by the
20 Clean Water Act.

21 It's totally inappropriate to have an
22 established and approved regulatory mechanism for
23 issuing permits and then to selectively abandon
24 the process based on public emotion or the
25 perception of a few.

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1 The ground rules developed for the permitting
2 process were established based on sound science.
3 They were open for public review and discussion,
4 and they received EPA's approval before they could
5 be implemented. These rules must now continue to
6 be followed.

7 In summary, the Indiana Steel Environmental
8 Group urges the U.S. EPA to support the process of
9 states issuing timely NPDES permits that are
10 protective of human health and the environment
11 under the Clean Water Act with limits that are
12 developed and supported by sound science.

13 These permits, when properly issued and
14 protective of human health and the environment,
15 are in everyone's best interest.

16 Thank you for your expected consideration of
17 these comments.

18 MR. TURNER: My name is Jacklyn Turner. I'm
19 a representative of a national organization called
20 In Front. And Gary, Indiana, is my home. I was

21 born and raised in Gary. I'm not totally familiar
22 with EPA water -- Clean Water Act, but I have a
23 great concern because this is my community.

24 We're in the process of -- through our mayor
25 who wants to create and develop economic

0128

1 development in our community. And U.S. Steel has
2 been a supportive factor as far as economics is
3 concerned.

4 As far as issues concerning the water, you
5 know, I've been here for all my life, and I have
6 never ever heard this being brought up before
7 until this year. And I have monitored and
8 listened and monitored and watched the e-mail that
9 I have been receiving from your department, and I
10 must say I applaud you for all that you've done as
11 far as keeping accountability in existence.

12 I'd like to learn more as well as the
13 gentleman was saying earlier, educating the
14 community. I'm also aware of a program that's
15 called "Environmental Justice Collaboration for
16 Partnership Agreement." I was involved with a
17 gentleman who came from your department from
18 Washington D.C. in August. I'd like to see that
19 become a factor in our community and throughout.

20 I have a lot of concerns and a lot of
21 comments and issues and questions that I'd like to
22 bring forward, and I'll probably be doing that at
23 a later date. But I just had to come up and
24 speak, because there's no one present at this
25 time.

0129

1 Gary is a grass-root community that is
2 needing to thrive for economic development in
3 years to come. We have a lot of programs and
4 proposals that are at the table. We would love
5 very much for you to continue your job and what
6 you do and bring this issue to pass.

7 Thank you.

8 MS. GADE: Our next speaker.

9 MR. LATOZZA: Thank you. My name is Phil
10 Latozza (phonetic). I'm a resident and business
11 owner in Gary, Indiana. And I want to talk a
12 little bit about science and some of my concerns
13 about aromatic hydrocarbons that according to the
14 permit -- that -- that they're allowed to dump
15 into the water. Specifically benzoapyrene.

16 And I'm looking at the IDEM report, 2005
17 Indiana Pollution Prevention Annual Report, that
18 states known and potential carcinogens. Known and
19 potential carcinogen releases for 2003 were 15.6
20 million pounds. This is an increase in
21 carcinogens for the first time in five years, of
22 12 percent. 1.7 million pounds for 2002.
23 Approximately 80 percent, 1.4 million pounds, of
24 this increase is due to a remediation project due
25 at Gary Works.

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1 So, we're very happy that they're, you know,

removing carcinogens from that. However, in the IDEM report, on page four, they're asking for up to five years to meet the effluent limitations of benzoapyrene. I'm concerned about that.

Looking at a study from Clemson University in spring of 1998, they say that benzoapyrene -- the model indicated, that after 84 years, there was no loss of initial chemical burden; therefore, there's little chance to achieve total cleanup.

Looking at APA -- EPA records, what are the health effects. Short term, EPA has found benzoapyrene to potentially cause the following health effects when people are exposed to it at levels above the maximum containment levels relatively short periods of time. Red blood cell damage leading to anemia, suppressed immune system, and is a known carcinogen.

In December 2000, EPA created a document called "The Environmental Assessment of the Proposed Effluent Limitation Guidelines for Industry" -- or "for the Iron and Steel Industry," and I quote, as of this date, an estimated population of 868 people are going to die.

They also say that -- that the analysis

projects potentially exposed population of 15,000 children, 163,000 women from the ages of 45 to 74, and 191,000 men from the ages of 40 to 70 that are going to get cancer due to this.

I would ask that we make the limits of benzoapyrene and all aromatic hydrocarbons much higher than five years to meet standards that they should be able to meet now.

Thank you.

MS. GADE: Our next speaker.

MS. WESTLAKE: Hello. My name is Lori Westlake, and I'm here to make you aware that there's a growing community of Great Lakes surfers. We are directly affected by this issue of dumping in Lake Michigan, and we're exposed to the lake environment year-round.

In fact, some of us -- some of the most popular spots are located immediately adjacent to the dump sites. Lake Street, as we like to call it, is directly adjacent to the U.S. Steel on its east side. A spot known as Shooters is located adjacent to the BP plant.

It would be easy to say "Just go to a cleaner site to surf." The problem is, we rely on the wind to generate waves on the lake. Those winds

are predominantly northwest winds, which only produce what we consider rideable waves at these very locations.

There are a significant number of Great Lakes surfers which include women of child-bearing age. I would personally like to ask that nothing be allowed to go into the lake that you would not want to expose your pregnant wife or daughter to.

9 I would like to end by saying there is no
10 right way to do the wrong thing.
11 MS. KUSTERICK: Hi. My name is Nina
12 Kusterick (phonetic), and I'm a private citizen
13 from Lake Village, Indiana.
14 And I really just wanted to say that I've
15 heard a lot of people here today talking about
16 closing the Gary Works of U.S. Steel. And all of
17 those people have been associated with businesses
18 or that work for U.S. Steel or have worked for
19 U.S. Steel themselves. And none of them have been
20 environmentalists or anybody who's suggesting that
21 we should look closer at the permit.
22 Put two and two together, we don't want --
23 I'm not -- I'm an environmentalist. I've been an
24 environmentalist all my life, and I would not like
25 to see the Gary Works closed. I think that U.S.

0133

1 Steel has done some really good things with the
2 environment. But I do think that it's a tragedy
3 that the business community in Northwest Indiana
4 doesn't see the future of a green revolution.
5 I was at the Green Festival in Chicago.
6 Twenty-six thousand people attended in two days.
7 They bought so much stuff, they spent so much
8 money, and, you know, and I see that -- that green
9 stuff has taken up a major part of our economy.
10 It's grown tremendously. And I think that being a
11 green business is a huge advantage.
12 And as long as U.S. Steel is trying to
13 convince us that they're green but they're not
14 sincerely going the full distance to bring in new
15 technologies and to make things better for the
16 environment in Northwest Indiana truly, not just
17 in a PR sense, that they're going to be the big
18 losers economically and that that is going to
19 cause people to lose their jobs. That's what's
20 gonna cause economic problems, not that the
21 environmentalists want to shut down Gary Works,
22 because that is untrue.

23 Thank you.

24 MS. GADE: Our next speaker.

25 MR. BERINGER: My name is Walt Beringer

0134

1 (phonetic), and I'm a metals trader. I'm also a
2 real estate investor in Northwest Indiana. I've
3 lived here for over 40 years, brought up three
4 sons here, and I'm very much aware of the need for
5 Indiana steel and proud of Indiana steel. I think
6 we make a lot of jobs here. We want to retain
7 employment in the area.

8 On the other hand, I've had two friends die
9 of cancer. One was actually a child, the other
10 was a guy that worked at the mills. And I'm very
11 concerned, maybe not so much for the workers. A
12 lot of 'em are tough guys. They can live with
13 bladder cancer or blood cancer or lung cancer or
14 liver cancer, whatever.

15 But think about your wives, people that have

16 to breathe the air, think about your children that
17 are drinking the water, think about what might be
18 the occasional fish that was from Lake Michigan.
19 And I think the best way to make sure that we
20 can keep making steel, U.S. steel -- and I don't
21 just mean from the company U.S.; I'm talking about
22 American steel. I would like to see it made in a
23 sustainable way.
24 And I think that it's critical that we clean
25 up the lake, that we clean up the pollution and

0135

1 the toxics and the poisons that have gone to the
2 lake or we're gonna run into more and more
3 problems, there's gonna be a lot of increased lung
4 cancer and all kinds of other cancers.
5 So, I think it's very, very important that we
6 continue to produce steel here but do it in a way
7 that's sustainable for decades and not threatening
8 our childrens and our wives with so much
9 pollution.

10 MR. ROE: Hi. My name's Jim Roe. I wasn't
11 prepared to speak when I came here, so I'm gonna
12 mostly read this.

13 I'm here as a citizen, not to be representing
14 an environmental group, a business interest,
15 anything like that. Mostly I'm here to speak on
16 behalf of my children and my unborn grandchild.

17 Having grown up on the lake, I'd like to see
18 my family have the same experience as an enjoyable
19 experience. I ask to see that U.S. Steel be held
20 to the required standard and not be left to slide.

21 Holding U.S. Steel accountable -- holding
22 U.S. Steel accountable to achievable goals does
23 not cost jobs or drive businesses away. Keep the
24 quality of the environmental assets up so we can
25 keep our quality of life up. I plan to live out

0136

1 the rest of my life here and so do my kids.
2 Please don't let it slip.

3 My grandfather worked for 45 years at U.S.
4 Steel Gary Sheet and Tin. He died of cancer. My
5 father died of cancer. I think it's great that
6 some people have been able to work there 45 years
7 or whatever and are still healthy. That's great.

8 My -- There's a lot of people that live into
9 their hundreds living in a unhealthy lifestyle on
10 their own choice. Please don't make it so people
11 are forced to live an unhealthy lifestyle.

12 That's all. Thank you.

13 MR. McKNIGHT: Ned McKnight. I'm a Gary,
14 Indiana, resident. I was a Chicago resident. And
15 I am not anti-industry. I have worked -- I work
16 with real estate investors, but I think that the
17 most important thing in the world right now is
18 that we have water, clean water.

19 I believe that U.S. Steel has the technology
20 to create a situation where they can keep the
21 amount of discharge low. There's no reason that
22 the discharge should be allowed to elevate.

23 I live on the lakefront. I'm afflicted with
24 connective tissue disorder called oilman's
25 poisoning. I'm in remission right now. I can't

0137

1 say whether it was from my experiences in steel
2 mills when I was a kid with my family or whether
3 it was from my experiences with demolition. I
4 can't say whether it was from living close to the
5 BP Whiting.

6 But I can tell you one thing, is that it's
7 tough. And when you have something like that
8 happen to you, it opens your eyes to how bad it
9 can really be.

10 So, you need to go ahead -- our lake is
11 covered. That is the most important natural
12 resource, possibly, in the world. I know that
13 there are millions and millions and millions of
14 people who are relying on that water source.

15 And God bless U.S. Steel, they've done some
16 good things for this country, but I think it's
17 time that we demand the innovation and the
18 technology that's put in place so that the
19 emissions are reduced. I mean, that's what the
20 whole key of the United States EPA is. And the
21 obligation is to reduce the amount of discharges.

22 There are basic ways to do it. Is it gonna
23 cost money? Heck yes. But you know what, it's
24 more expensive having everybody die from cancers
25 and end up being invalids.

0138

1 I think it's time we looked at this. Reward
2 them for lowering their standards.

3 Thank you very much.

4 MR. FLOOD: Hi. My name is Walt Flood. I'm
5 a local civil engineer, and I have a minor in
6 environmental engineering.

7 I've spent my life enjoying the waters up in
8 Lake Michigan, whether it's swimming, boating,
9 exercising along the lakeshore, or simply enjoying
10 sunrises over the water.

11 I've recently become more active year-round
12 using the lake as a lake surfer. Many of the most
13 consistent and most used surf spots in all the
14 Great Lakes are here at the south end of the lake.

15 I've met several people who enjoy surfing at
16 Miller Beach and elsewhere in Northern Indiana who
17 have since stopped enjoying the waves in these
18 locations due to infected cuts and sickness, at
19 least perceived to be caused by waterborne
20 pollution in these areas.

21 While I understand that U.S. Steel cannot be
22 blamed for all this pollution, as we heard
23 earlier, it is the origin of 97 percent of the
24 surface water pollution in Lake County. All of
25 this flows into Lake Michigan and finds its way to

0139

1 our drinking water supply and nearby recreation
2 areas.

3 I agree with EPA's recommendations, and I do

4 not understand why U.S. Steel deserves one-,
5 three-, and five-year excuses for meeting the
6 minimum national effluent discharge rates.
7 U.S. Steel in several instances wants to take
8 a step backwards with effluent limitations less
9 strict than those in the current permit.
10 I am already spending the majority of my time
11 in the water being infected by relatively lax
12 wintertime levels -- discharge rates that are four
13 times the summer discharge levels and do not want
14 to paddle around in excess free cyanides and
15 mercury levels, to name a few of the ten-plus
16 contaminants with no specified discharge levels in
17 the current permit application.
18 I love the Midwest and want to raise my kids
19 here. To quote a fellow surfer, I do not want to
20 teach my kids to surf in contaminated water.
21 Thanks.
22 MR. SMOLKA: Good evening. My name is George
23 Smolka. I live in Griffith, Indiana. I would
24 like to ask the panel members, Are there any
25 chemists?

0140

1 No. That's not good.
2 In any case, my concern is relatively simple.
3 I made a request of IDEM at the last meeting which
4 was here on the 26th of September to forward to me
5 all the MSDS sheets for all of the materials used
6 in the water treatment at all of the outfalls.
7 In 76 days, they have been unable or
8 unwilling to forward those to me. I find that
9 highly unreliable, and I object strenuously and I
10 ask U.S. EPA to direct IDEM and U.S. Steel to
11 forward those to me.
12 Why? Because I have experience in water
13 treatment, and since the suppliers of the
14 materials that are listed in the '94 permit have
15 changed or have been bought out, there's no way of
16 being certain that the materials they're currently
17 using do the job that they are supposed to be
18 doing.
19 It's a simple request. Actually, by them not
20 forwarding the information to me, they have saved
21 me a great deal of work trying to figure out
22 complex equilibria for the materials that are in
23 the various outfalls that are coming out. Mr.
24 ChemTreat's statements notwithstanding.

25 It's very difficult to figure out whether or
0141

1 not they are meeting the proper requirements of
2 the current permit, what will happen in the
3 future, and what complex confining events will
4 occur in their treatment and in their effluent
5 outfalls if you don't know what they're using.
6 I therefore respectfully request that these
7 materials, after 76 days, be forwarded to me as
8 quickly as is humanly possible. I'll be more than
9 happy to work with EPA on my findings.
10 Thank you very much.

11 MR. SORLIS: My name is Tom Sorlis
12 (phonetic). I live in Highland, Indiana. I'm a
13 lifelong resident of Northwest Indiana, and I grew
14 up in Gary, about six blocks from the mills. My
15 family made a -- their livelihood from the mills,
16 and I spent a couple of summers there earning
17 money for college.

18 And I don't want to talk so much about U.S.
19 Steel as I do about your job and American industry
20 in general.

21 American industry and business is some of the
22 best in the world. Probably the best. They are
23 smart, intelligent, aggressive people. They do
24 their jobs according to the rules and laws that
25 you put in place. It's your job to govern that.

0142

1 If you make strict environmental laws, they
2 will follow them. But you have to make them and
3 enforce them. If you don't, they're gonna run
4 their businesses according to the rules that you
5 put in place. And that's -- they're entitled to.
6 They have to make a profit. They have to stay in
7 business, so on and so forth.

8 I think that you're getting a lot of push
9 back in many directions from people. There are
10 concerns about jobs. Personally, I don't believe
11 that jobs are gonna be lost, but instead created
12 to clean up these materials or to handle 'em in
13 some way other than what is the worst possible
14 thing that can be done -- and this is what really
15 has been bringing me to the several meetings that
16 I've been to, some of the IDEM meetings and such
17 over BP Amoco and U.S. Steel.

18 But it isn't just these two companies; it's
19 the whole attitude of our nation at this time and
20 what your job is, from the way I look at it.

21 I don't understand how this is even
22 considerable -- considered to -- to allow any
23 company, corporation, or individual to dump toxic
24 materials into a body of water. This is the worst
25 thing you could do with it.

0143

1 It's what's been done for hundreds of years.
2 It is flat-out stupid. And we're doing it. We're
3 allowing it to happen. We have permits, we have
4 measurements, we have all this information, but
5 it's this minutia of information that seems to
6 surround the simple fact that we're doing
7 something that's just absurd, and then we're
8 drinking the water.

9 So, I'm here to talk -- just mention that and
10 to say one more thing about U.S. Steel now in
11 particular. And not about the enviromental part
12 of it so much as their talent pool and their
13 ability to solve problems.

14 Over the last 35 years, they have dealt with
15 a -- they have dealt with much larger problems,
16 and that is the dumping of foreign steel into this
17 country that has just decimated the steel

18 industry. And they have survived that in their
19 property. And I believe, if they can do that, I
20 think that this pollution problem is small
21 potatoes.

22 Will it ever be perfectly clean, no. Making
23 steel is tough, dirty, and that's just the nature
24 of the business. But do we have to put toxic
25 materials in a body of water or allow that to

0144

1 happen? Absolutely not. That's flat-out stupid,
2 and I don't know why we do it.

3 MR. MITAL: My name is Brian Mital. I talked
4 earlier on behalf of the Hoosier Environmental
5 Council. I want to talk just as a citizen right
6 now.

7 There's been -- again, to reiterate, there is
8 people here that have put this economic against
9 the environment -- economics against -- economic
10 viability against the environment. I don't think
11 we're taking the whole picture into account,
12 because the price -- I mean, we've been living
13 high off the hog for a long time off the
14 environment.

15 We're getting wood from other parts of the
16 world at probably a penny on the dollar. We've
17 been using the water at -- for less than a penny
18 on the dollar. And the source is running out.
19 We're -- The water is the oil of yesterday.

20 We don't want to close down the mill. The
21 environmental field is a viable industry. I don't
22 know how many people I graduated with with
23 environmental degrees and they are unemployed
24 today or working at some low-level job.
25 They're -- you know, they're trying to make a

0145

1 living. Those people should be in high-level
2 positions today.

3 I mean, yes, the water looks clean. I was
4 there on the day in 1966 when they drank the water
5 out of a terminal treatment, and I was at terminal
6 treatment. I dare you to do that today. The
7 water is clear because 19 -- in 1986, SHOC
8 bestowed an expedition on the Great Lakes that
9 came into -- in Lake Michigan and called it a
10 desert.

11 And you -- And I said earlier, I dove -- I
12 dive in Lake Michigan. And the water is very
13 clear. That has a lot to do with invasive
14 species. The zebra mussel is cleaning. There
15 is -- there's something scary about very clear
16 water as it is in the desert. Very clear water
17 means there's no organisms in it.

18 I have taken samples off the sands, the
19 rotarian area of Lake Michigan and put them under
20 a microscope. There were no organisms, no
21 chromosoa, maybe -- no -- no annelids, maybe some
22 cyanobacteria. That was it.

23 It should be teeming just like we had grass
24 along -- if you went along East Chicago -- the

25 shores in East Chicago. There used to be a half a
0146

1 mile of grass out there. It's gone.

2 I -- and so I reiterate, zero discharge. We
3 have to work for zero discharge. Other companies
4 are doing it.

5 Thank you.

6 MS. GADE: Thank you very much.

7 MS. RIVERA: Hello. My name is Rachel
8 Rivera. I'm a longtime resident. I have lived
9 here all my life. My family has for years swam in
10 Lake Michigan. Recently I found the surf club and
11 started surfing here as well. My family has also
12 been very involved in the steel around Indiana.
13 My grandfather worked for steel mills, my father
14 worked for the steel mills. I love the family
15 business.

16 I definitely think that the steel mill can do
17 more to clean up the emissions, it could do more
18 to give us cleaner water. I have faith that they
19 can do that. And they have the technology to do
20 that, and they should be encouraged to do that.

21 I don't think it will affect the economy. I
22 don't think it will hurt the neighboring areas.
23 It may put a little bit of a strain, but I feel
24 that they are strong enough. They've survived a
25 lot of people leaving the area. A lot of the

0147
1 local steel mills have closed, and they've been
2 able to survive. I think this they can survive as
3 well.

4 I think it's important for the future of our
5 area, it's important for the future of our
6 children. It affects not just Northwest Indiana
7 but it does affect every community and every state
8 that surrounds Lake Michigan.

9 We need to, as a state, remember we're not
10 the only ones here on Lake Michigan. There are
11 others that are impacted as well.

12 Thank you.

13 MS. GEORGE: Hi. My name is Lisa George, and
14 I'm a resident in Gary. At the last meeting that
15 IDEM sponsored, I asked what would happen if we
16 didn't grant U.S. Steel the permit that they
17 wanted, and the head of IDEM said, "Well, they
18 would sue us." So, I guess I'm a little concerned
19 about IDEM's loyalties.

20 Many questions were asked about the permit
21 specifics, and the whole IDEM panel didn't know
22 the answers, they didn't have any of the research.
23 It was almost as if U.S. Steel gave IDEM the
24 permit and IDEM was supposed to follow it without
25 any questions.

0148
1 So, my concern is nobody -- that IDEM is not
2 operating independently. But I'm still here
3 asking what is the harm in having more stringent
4 levels. I don't understand why everybody is
5 acting like, Well, it's either jobs, or

6 manufacturing, or it's a good clean level of
7 water. And it doesn't seem like it should be one
8 or the other.
9 At the last meeting that I was here, somebody
10 had a really thick report, data and research that
11 they had done, showing that industry that had
12 spent a lot of research and time and money making
13 their operations clean ended up having more
14 profits, they were more efficient.
15 He had a study that showed that steel
16 manufacturing in other countries were actually
17 operating at a higher profit and their workers had
18 a higher standard of living than the workers here
19 in the U.S.
20 U.S. Steel is number seven in pollution in
21 the country, and it doesn't seem -- and they have
22 had record profits in the last two years. So, I'm
23 concerned. The front page of the Chicago Tribune
24 said, you know, U.S. Steel is number seven in
25 pollution. That's awful.

0149

1 If you -- if you grant this permit to U.S.
2 Steel, there are 25 other industries that are also
3 polluting into Lake Michigan and you have to
4 consider the whole.

5 Thank you.

6 MS. GADE: Do we have any other people who
7 have signed up to speak?

8 What I think I'm going to do, then, is we'll
9 take -- we'll probably recess now until 7:30. If
10 anybody else would like to sign up to speak, we'll
11 reconvene at 7:30 and we'll be happy to hear from
12 you.

13 I want to thank all of our speakers this
14 evening, and I want to thank all of you for coming
15 tonight.

16 (Recess taken.)

17 MS. GADE: As you probably know, we announced
18 the hearing would run until 8:30. We have two
19 more people that would like to speak this evening.
20 And as soon as I'm done talking about logistics, I
21 think we'll ask them to come up to the mike and
22 give their comments. Then if we have no other
23 people that are signed up to speak, I think we'll
24 just go into adjournment.

25 We will stay until 8:30, members of the

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1 panel, so that if somebody walks in at 8:25 and
2 hoped to be able to speak to us, we're here for
3 them. But I think at that point people can make
4 their own decision about whether they want to stay
5 or whether they'd like to go home.

6 So, that's, I think, how we're gonna do this
7 to make sure that we're here for anybody that
8 comes but also doesn't tie up people needlessly as
9 we're hanging around to see.

10 So, with that, I think we have two speakers
11 who would like to talk. And would the first one
12 of them please come up to the mike.

13 MR. HAUGH: Hi. My name is Todd Haugh,
14 T-o-d-d, H-a-u-g-h. I understand I may be the
15 only one who's going to speak at the last session,
16 so thank you for hearing my comments.

17 I'm a Chicago resident. I came down here
18 because I'm a avid sailor and for about the past
19 five years or so; an avid surfer for the past two.
20 And I understand some surfers have already spoken
21 tonight. I just have a personal comment of my
22 own, anecdotal evidence about the water quality in
23 the southern Lake Michigan.

24 I think, you know, as I hope other people
25 have said tonight, is, I believe it is fairly

0151

1 substandard. My own personal evidence is just
2 that, you know, when I'm on the lake, in the south
3 end, when I'm in and out of the water, you can
4 smell a certain metallic odor sometimes in the
5 water.

6 You also come out of the water -- even being
7 just sort of on the surface, there oftentimes is a
8 diesel or a gasoline odor in certain parts of
9 southern Lake Michigan.

10 And so that's why I'm here, is to --
11 hopefully my comments will, you know, prevent that
12 in the future.

13 And, you know, I'm not -- certainly not an
14 expert on effluent levels and Clean Water Act and
15 things like that, but I think just from my own
16 personal experience the pollution levels are too
17 high as it is. Any proposal to increase that I
18 think should be looked on with serious skepticism.

19 And I -- if -- you know, if other surfers,
20 especially surfers, actually, who have spoken
21 tonight, I think it's important to take their
22 comments really into heart, because these people
23 really kind of are at the forefront, you know, the
24 front lines of this issue, just because they
25 happen to be in the water on a day-to-day basis.

0152

1 And that's throughout the year, the summer and all
2 through the winter. And so hopefully you'll take
3 their comments into account.

4 Thank you.

5 MS. GADE: Thank you very much.

6 MR. SORLIS: My name is Tom Sorlis from
7 Highland, Indiana. I'm a lifelong resident of
8 Northwest Indiana.

9 And I just wanted to comment on the -- what I
10 believe is a national policy and a regulatory
11 industry of allowing industries to provide
12 self-sampling of water runoff or whatever material
13 is going to be tested.

14 I think that that is ridiculous, laughable,
15 and I can't believe it goes on across the country
16 as it does. If sampling is gonna be tested, it
17 has to be taken by a regulatory agency or by a
18 non- -- a nonparticipant, somebody who's not
19 biased.

20 I can't imagine this happening. It seems --
21 it seems to be the same thing as someone taking a
22 test and providing your own questions. You're
23 gonna do very well on it.
24 So, that's not to say you're gonna do
25 anything about it. I just wanted to put it

0153

1 forward.
2 MS. GADE: As I said, these are the only two
3 people who had requested speaking at this point.
4 We are not going to adjourn. We won't do that
5 until 8:30 unless somebody comes late and really
6 does want to speak. We want to be here to hear
7 them. But unless there's somebody that comes to
8 speak, we are done for the evening.
9 So, I want to thank all of you for coming
10 out. Your input has been invaluable. We take it
11 seriously and we appreciate it. So, thank you
12 very much.

(Proceedings concluded at 8:30 p.m.)

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1 STATE OF INDIANA)
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2 COUNTY OF LAPORTE)
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5 COURT REPORTER'S CERTIFICATE
6 I, Michelle A. Whitaker, RPR, do hereby certify
7 that I reported by the means of computer-aided transcription
8 shorthand the proceedings held on December 11, 2007,
9 commencing at or about the hour of 2:30 p.m. and held before
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11 That I have transcribed by shorthand notes into
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16 IN WITNESS WHEREOF, I have hereunto set my hand
17 and official seal this 7th day of January, 2008.

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